

2004-1-68

SECTION 68. (a) For purposes of this SECTION, "benefit" means:

- (1) a credit under IC 6-1.1-20.9; or
- (2) a deduction under any of the following:
 - IC 6-1.1-12-1
 - IC 6-1.1-12-9, as amended by this act
 - IC 6-1.1-12-11
 - IC 6-1.1-12-13
 - IC 6-1.1-12-14
 - IC 6-1.1-12-16
 - IC 6-1.1-12-17.4.

(b) This SECTION applies to an individual who, with respect to a real property parcel:

- (1) did not receive a benefit for property taxes first due and payable in 2003;
- (2) met the eligibility criteria for the benefit under a section referred to in subsection (a) for property taxes first due and payable in 2004; and
- (3) did not file a timely application as required by law for the benefit for property taxes first due and payable in 2004.

(c) Except as provided in subsection (d), an individual may:

- (1) claim a benefit referred to in subsection (a)(1) by meeting the filing requirements of IC 6-1.1-20.9; and
- (2) claim a benefit referred to in subsection (a)(2) by meeting the filing requirements of IC 6-1.1-12.

(d) The filing requirements for a benefit under this SECTION must be met before December 15, 2003.

(e) The department of local government finance shall:

- (1) prescribe forms; or
- (2) issue instructions for the use of existing forms;

for filing a claim under subsection (c).

(f) The county auditor shall determine the individual's eligibility for a benefit under this SECTION. If the county auditor determines that an individual is eligible for a benefit under this SECTION for a parcel, the county auditor shall:

- (1) apply the benefit with respect to taxes first due and payable in 2004 for the parcel; and
- (2) before January 1, 2004:
 - (A) send to the department of local government finance a revised certification under IC 6-1.1-17-1(a) for the county that reflects:
 - (i) the benefits applied under this SECTION; and
 - (ii) deductions under IC 6-1.1-12-37 applied as described in subsection (j); and
 - (B) certify to the department of local government finance the amount of homestead credits allowed in the county under this SECTION for property taxes first due and payable in 2004.

(g) The department of local government finance shall use the revised certifications received under subsection (f)(2)(A) in the department's determination of tax rates under IC 6-1.1-17-16 for taxes first due and payable in 2004. Notwithstanding IC 6-1.1-17-16(d), the

department of local government finance may increase a political subdivision's tax rate to an amount that exceeds the amount originally fixed by the political subdivision based on the revised certification received under subsection (f)(2)(A).

(h) Before March 15, 2004, the auditor of state shall certify the amount of homestead credits referred to in subsection (f)(2)(B) to the department of state revenue. For property taxes first due and payable in 2004, the department of state revenue shall allocate under IC 6-1.1-21-4 from the property tax replacement fund an additional amount equal to the total amount of homestead credits allowed under this SECTION for property taxes first due and payable in 2004. The department of state revenue shall distribute the amount allocated under this subsection in the same manner that other property tax replacement fund distributions are made in 2004.

(i) A statement filed under this SECTION to obtain a benefit for property taxes first due and payable in 2004 applies for that year and any succeeding year for which the benefit is allowed.

(j) Each year a person who is entitled under this SECTION to receive the homestead credit under IC 6-1.1-20.9 for property taxes first due and payable in 2004 is entitled for that year to the deduction under IC 6-1.1-12-37 from the assessed value of the real property that qualifies for the homestead credit.

2004-1-69

SECTION 69. Any action taken by the department of local government finance before January 1, 2004, to:

- (1) allow a taxpayer to file a petition under IC 6-1.1-15-1(b)(1) more than forty-five (45) days after notice of a change in the assessment is given to the taxpayer;
- (2) allow the payment of property taxes in installments other than the installments prescribed in IC 6-1.1-22-9(a); or
- (3) waive all or part of a penalty under IC 6-1.1-37-10 of this chapter;

is legalized and validated.

2004-1-70

SECTION 70. (a) As used in this SECTION, "department" refers to the department of local government finance.

(b) The department shall study the feasibility of creating uniform and common computer software programs for property tax assessment purposes, including computer software programs that allow the sharing and transfer of assessment data in a uniform format by the state and all counties.

(c) The department shall report the results of the study required by subsection (b) to the commission on state tax and financing policy before September 1, 2004.

(d) Upon approval of the governor, the budget agency may authorize the payment of expenses incurred by the department in conducting the study required by subsection (b) from amounts allotted from the departmental and institutional emergency contingency fund.

(e) This SECTION expires January 1, 2005.

2004-1-71

SECTION 71. IC 6-1.1-15-11, as amended by this act, applies only to refunds that result from assessment reductions for which notice is given to the taxpayer after December 31, 2003.

2004-1-72

SECTION 72. IC 6-1.1-17-20, as amended by this act, applies only to property taxes first due and payable after December 31, 2004.

2004-1-73

SECTION 73. IC 6-1.1-18.5-1, as amended by this act, applies to property taxes first due and payable after December 31, 2003.

2004-1-74

SECTION 74. IC 6-1.1-18.5-13 and IC 6-1.1-21-2, both as amended by this act, apply only to property taxes first due and payable after December 31, 2003.

2004-1-75

SECTION 75. IC 6-1.1-18.5-17 and IC 6-1.1-19-1.7, both as amended by this act, apply only to property taxes first due and payable after December 31, 2004.

2004-1-76

SECTION 76. IC 6-1.1-18.5-16, IC 6-1.1-19-1.5, IC 6-1.1-19-4.7, IC 20-5.5-7-3, and IC 21-3-1.7-6.8, all as added by this act, apply to property taxes first due and payable after December 31, 2003.

2004-1-77

SECTION 77. An elected county assessor, township assessor, or township trustee-assessor is required to comply with IC 6-1.1-35-1.1, as amended by this act, only if the assessor or trustee-assessor is elected to a new term of office that begins after June 30, 2004.

2004-1-78

SECTION 78. (a) The definitions in IC 6-1.1-1 apply throughout this SECTION.

(b) This SECTION applies only to the appeal of an assessment of real property.

(c) Notwithstanding IC 6-1.1-15-1(b)(2), IC 6-1.1-15-1(c), and IC 6-1.1-15-1(d), in order to appeal an assessment of real property and have a change in the assessment effective for the assessment date in 2002, 2003, or 2004, the taxpayer must, in the manner provided by IC 6-1.1-15-1, as amended by this act, file a written request for a preliminary conference with the township assessor not later than forty-five (45) days after:

(1) a notice of a change of assessment for the assessment date is given to the taxpayer; or

(2) the taxpayer receives a tax statement for the property taxes that are based on the assessment for the assessment date;

whichever occurs first.

(d) An appeal of a taxpayer under subsection (c) must comply with all other requirements applicable to an appeal under IC 6-1.1-15-1, except that the provisions of IC 6-1.1-15-1(b)(2), IC 6-1.1-15-1(c), and IC 6-1.1-15-1(d) that prohibit appeals of:

- (1) an assessment for an assessment date in 2002 that is filed after May 10, 2002, apply to property taxes imposed for that assessment date;
- (2) an assessment for an assessment date in 2003 that is filed after May 10, 2003, apply to property taxes imposed for that assessment date; or
- (3) an assessment for an assessment date in 2004 that is filed after May 10, 2004, apply to property taxes imposed for that assessment date.

2004-1-79

SECTION 79. (a) For property taxes first due and payable in 2004 with respect to a homestead (as defined in IC 6-1.1-20.9-1):

- (1) a county treasurer who mails a property tax statement under IC 6-1.1-22-8(a)(1) shall include in or mail with the statement; and

- (2) a county treasurer who transmits a statement to a person's mortgagee under IC 6-1.1-22-8(a)(2) shall, at the time the county treasurer mails statements under IC 6-1.1-22-8(a)(1), mail or cause to be mailed to the last known address of the person;

a statement in the form determined by the department of local government finance under subsection (b). A statement mailed to a person described in subdivision (2) need not be transmitted to the person's mortgagee.

(b) Not later than ten (10) days after the department of local government finance certifies to a county under IC 6-1.1-17-16 its action on the county's tax rate and tax levy for property taxes first due and payable in 2004, the department shall determine and provide to the county treasurer the wording of a statement concerning property taxes on homesteads in the county, which must be in the following or a substantially similar form, as determined by the department:

"Your assessing officials completed a general reassessment of all real property in the county first effective for property taxes payable in 2003. The reassessment was necessary to comply with Indiana law. The Indiana General Assembly has increased the property tax replacement credit and made other changes to the property tax system to substantially reduce the effects that this reassessment may have on your property tax liability. If the Indiana General Assembly had not taken these actions, the average 2004 property tax bill for homeowners in _____ County would be approximately _____ percent (____%) greater.".

The county treasurer is responsible for the preparation and mailing of the statement in the manner provided by subsection (a).

(c) This SECTION expires July 1, 2005.

2004-1-80

SECTION 80. (a) The definitions in IC 6-1.1-1 apply throughout this SECTION.

(b) The department of local government finance may adopt temporary rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to implement the following:

- (1) IC 6-1.1-4-39.
- (2) IC 6-1.1-31-3.
- (3) IC 6-1.1-31-6.
- (4) IC 6-1.1-31-7.

(c) A temporary rule adopted under this SECTION expires on the earlier of the following:

- (1) The date that another temporary rule is adopted under this SECTION or a permanent rule is adopted under IC 4-22-2 to supersede the temporary rule.
- (2) December 31, 2005.

2004-1-81

SECTION 81. (a) The department of local government finance may not prescribe a form for taxpayers to request a preliminary conference under IC 6-1.1-15-1, as amended by this act. Any written document containing the information specified in IC 6-1.1-15-1(b), as amended by this act, is sufficient to initiate a preliminary conference under this act.

(b) The department of local government finance may modify the form known as the "Form 130" to enable township assessors and taxpayers to report the results of preliminary conferences held under IC 6-1.1-15-1, as amended by this act, to the appropriate county property tax assessment board of appeals.

(c) The department of local government finance may not prescribe a form for taxpayers to request a hearing before the county property tax assessment board of appeals under IC 6-1.1-15-1(j), as added by this act. Any written document requesting the hearing is sufficient.

(d) The following provisions apply to a taxpayer who, before the effective date of this act, filed a petition for review of an assessment determination by a township assessor in the manner provided by IC 6-1.1-15-1, as in effect before the effective date of this act:

- (1) The taxpayer is not required to file a request for a preliminary conference with the township assessor.
- (2) The provisions of IC 6-1.1-15-1, as in effect before the effective date of this act, with respect to a preliminary conference with the township assessor and a hearing before the county property tax assessment board of appeals apply to the taxpayer's petition.

2004-1-82

SECTION 82. (a) The commission on state tax and financing policy established under IC 2-5-3 shall study:

- (1) the elimination of property taxes as a source of funding for local government services other than:
 - (A) police and fire protection; and
 - (B) public health purposes; and

(2) alternative sources of revenue that might be used to replace the property taxes described in subdivision (1).
The commission shall complete its study not later than December 31, 2005.

(b) This SECTION expires July 1, 2006.

2004-1-83

SECTION 83. There is appropriated to the department of local government finance an amount sufficient from the assessment training fund established by IC 6-1.1-5.5-4.7, as amended by this act, to carry out the purposes set forth in IC 6-1.1-5.5-4.7, as amended by this act, beginning January 1, 2004, and ending June 30, 2005.

2004-1-84

SECTION 84. (a) The definitions set forth in IC 6-1.1-20 apply throughout this SECTION.

(b) The following provisions apply to a controlled project for which a notice of preliminary determination to issue bonds or enter into a lease was published before March 1, 2004:

(1) The amendments made by IC 6-1.1-20-3.1 and IC 6-1.1-20-3.2, and by IC 6-1.1-20-10, as added by this act, do not apply to:

(A) a petition requesting the application of the petition and remonstrance process to the controlled project; or

(B) a petition or remonstrance concerning the controlled project.

(2) IC 6-1.1-20-3.1 and IC 6-1.1-20-3.2, both as in effect before March 1, 2004, apply to:

(A) a petition requesting the application of the petition and remonstrance process to the controlled project; or

(B) a petition or remonstrance concerning the controlled project.

2004-1-85

SECTION 85. IC 6-3-1-3.5, as amended by this act, applies only to taxable years after December 31, 2003.

2004-8-4

SECTION 4. IC 35-48-2-10, as amended by this act, applies only to offenses committed after June 30, 2004.

2004-11-1

SECTION 1. (a) The amendment to Article 10, Section 1 of the Constitution of the State of Indiana agreed to by the One Hundred Twelfth General Assembly (P.L.189-2002) and the One Hundred Thirteenth General Assembly (P.L.278-2003) shall be submitted to the electors of the state at the 2004 general election in the manner provided for the submission of constitutional amendments under IC 3.

(b) Under Article 16, Section 1 of the Constitution of the State of Indiana, which requires the general assembly to submit constitutional amendments to the electors at the next general election after the general

assembly agrees to the amendment referred to it by the last previously elected general assembly, and in accordance with IC 3-10-3, the general assembly prescribes the form in which the public question concerning the ratification of this state constitutional amendment must appear on the 2004 general election ballot as follows:

"PUBLIC QUESTION #1

Shall Article 10, Section 1 of the Constitution of the State of Indiana be amended to allow the General Assembly to make certain property exempt from property taxes, including (1) a homeowner's primary residence; (2) personal property used to produce income; and (3) inventory?"

(c) This SECTION expires January 1, 2005.

2004-11-2

SECTION 2. (a) The amendment to Article 6, Section 2 of the Constitution of the State of Indiana agreed to by the One Hundred Twelfth General Assembly (P.L.187-2002) and the One Hundred Thirteenth General Assembly (P.L.279-2003) shall be submitted to the electors of the state at the 2004 general election in the manner provided for the submission of constitutional amendments under IC 3.

(b) Under Article 16, Section 1 of the Constitution of the State of Indiana, which requires the general assembly to submit constitutional amendments to the electors at the next general election after the general assembly agrees to the amendment referred to it by the last previously elected general assembly, and in accordance with IC 3-10-3, the general assembly prescribes the form in which the public question concerning the ratification of this state constitutional amendment must appear on the 2004 general election ballot as follows:

"PUBLIC QUESTION #2

Shall Article 6, Section 2 of the Constitution of the State of Indiana be amended to allow the General Assembly to establish a uniform date for the beginning of the terms of the county offices of clerk of the circuit court, auditor, recorder, treasurer, sheriff, coroner, and surveyor?"

(c) This SECTION expires January 1, 2005.

2004-11-3

SECTION 3. (a) The amendment to Article 5, Section 10 of the Constitution of the State of Indiana agreed to by the One Hundred Twelfth General Assembly (P.L.188-2002) and the One Hundred Thirteenth General Assembly (P.L.280-2003) shall be submitted to the electors of the state at the 2004 general election in the manner provided for the submission of constitutional amendments under IC 3.

(b) Under Article 16, Section 1 of the Constitution of the State of Indiana, which requires the general assembly to submit constitutional amendments to the electors at the next general election after the general assembly agrees to the amendment referred to it by the last previously elected general assembly, and in accordance with IC 3-10-3, the general assembly prescribes the form in which the public question concerning the ratification of this state constitutional amendment must appear on the 2004 general election ballot as follows:

"PUBLIC QUESTION #3

Shall Article 5, Section 10 of the Constitution of the State of Indiana be amended to specify: (1) which state official acts as governor when the office of governor and the office of lieutenant governor are both vacant; and (2) the deadline for the General Assembly to meet when either the House or the Senate cannot assemble a quorum within forty-eight (48) hours after both offices become vacant?".

(c) This SECTION expires January 1, 2005.

2004-14-197

SECTION 197. (a) This section applies to a referendum conducted under IC 6-1.1-19-4.5 at a primary or general election.

(b) Notwithstanding IC 6-1.1-19-4.5(c)(6), if a majority of the persons who voted in the referendum did not vote "yes" on the referendum question, another referendum under IC 6-1.1-19-4.5 may not be held before the earlier of:

- (1) the next primary election or general election that occurs at least eleven (11) months after the date of the referendum; or
- (2) one (1) year after the date of the referendum.

(c) This SECTION expires June 30, 2006.

2004-14-198

SECTION 198. (a) Notwithstanding IC 33-15-1-1 or IC 33-24-4-1, both as amended by this act, an individual who is appointed by the governor to fill a vacancy in the office of clerk of the supreme court is entitled to hold the office before January 1, 2007, unless the individual resigns or is removed from office as provided by law.

(b) Notwithstanding the repeal of IC 3-8-1-11.5 by this act, an individual appointed by the governor to the office of clerk of the supreme court must satisfy the requirements of IC 3-8-1-11.5 before its repeal.

(c) An individual appointed by the governor to the office of clerk of the supreme court must execute a bond in the amount of ten thousand dollars (\$10,000).

(d) Notwithstanding IC 5-6-1-1, as amended by this act, the clerk of the supreme court may appoint deputies and require the individuals appointed as deputies to post bond as provided by law in effect at the time any appointment is made.

(e) Notwithstanding IC 5-8-3.5-1, as amended by this act, an individual who wants to resign the office of clerk of the supreme court must resign as provided by law in effect at the time the individual wants to resign the office.

(f) Notwithstanding IC 5-14-3-3.5, as amended by this act:

- (1) "state agency" does not include the office of the clerk of the supreme court; and
- (2) the clerk of the supreme court may use the computer gateway administered by the intelnet commission established under IC 5-21-2, subject to the requirements of IC 5-14-3-3.5, as in effect after June 30, 2004.

(g) This SECTION expires January 1, 2007.

2004-14-199

SECTION 199. (a) The definitions in IC 3-5-2 apply throughout this SECTION.

(b) Not later than December 31, 2003, the commission shall act under IC 3-11-4-5.1 to approve absentee ballot application forms that include a notice that certain voters who registered by mail are required to provide additional personal identification before voting an absentee ballot by mail.

(c) Notwithstanding IC 3-5-4-8, an absentee ballot application form approved by the commission before December 31, 2003, that does not comply with subsection (b) may not be accepted for filing with a county election board after December 31, 2003.

(d) This SECTION expires December 31, 2004.

2004-14-200

SECTION 200. (a) The definitions set forth in IC 3-5-2 apply to this SECTION.

(b) Subject to subsection (d), a voting machine system may not be used in an election in Indiana after December 31, 2003.

(c) Subject to subsection (e), a punch card voting system may not be used in an election in Indiana after December 31, 2003.

(d) Notwithstanding subsection (b), a voting machine system may be used in an election in Indiana after December 31, 2003, and before January 1, 2006, if not later than December 31, 2003, the secretary of state with the consent of the co-directors of the election division certifies to the federal Administrator of General Services under Section 102(a)(3)(B) of HAVA (42 U.S.C. 15302) that the state cannot replace all voting machine systems in Indiana before January 1, 2004.

(e) Notwithstanding subsection (c), a punch card voting system may be used in an election in Indiana after December 31, 2003, and before January 1, 2006, if not later than December 31, 2003, the secretary of state with the consent of the co-directors of the election division certifies to the federal Administrator of General Services under Section 102(a)(3)(B) of HAVA (42 U.S.C. 15302) that the state cannot replace all punch card voting systems in Indiana before January 1, 2004.

(f) Notwithstanding any other statute, a voting machine system or a punch card voting system may not be marketed in Indiana.

(g) Notwithstanding IC 3-11-5, IC 3-11-7, IC 3-11-7.5, and IC 3-11-15, the approval or certification of a voting system issued before January 1, 2005, expires October 1, 2005. If a vendor applied for certification of the voting system after January 1, 2004, and applies for recertification of the voting system after January 1, 2005, the application fee under IC 3-11-15-4 is waived if the hardware, software, and firmware of the system is unchanged in the system submitted for recertification under this subsection.

(h) This SECTION expires January 1, 2006.

2004-14-201

SECTION 201. (a) The definitions set forth in IC 3-5-2 apply throughout this SECTION.

(b) Notwithstanding P.L.209-2003, SECTION 212 (expired

December 31, 2003), the governor's notice before May 1, 2003, to the federal Administrator of General Services that the state of Indiana intends to use payments under Section 101 of HAVA (42 U.S.C. 15301) in accordance with Section 101 of HAVA is legalized.

(c) Notwithstanding P.L.209-2003, SECTION 213 (expired December 31, 2003), the governor's notice before May 1, 2003, to the federal Administrator of General Services under Section 102(b) of HAVA (42 U.S.C. 15302) in accordance with Section 102 of HAVA is legalized.

(d) Notwithstanding P.L.209-2003, SECTION 216 (expired December 31, 2003), not later than July 1, 2004, the secretary of state, with the consent of the co-directors of the election division, shall file a statement with the federal Election Assistance Commission certifying that the state is in compliance with the requirements referred to in Section 253(b) of HAVA (42 U.S.C. 15403). The statement must be in the form authorized by Section 253 of HAVA.

(e) This SECTION expires July 1, 2005.

2004-14-202

SECTION 202. (a) This SECTION applies to an individual:

- (1) who was elected during November 2003 to an office of a political subdivision; and
- (2) to whom IC 5-4-1-1.2 applies.

(b) Notwithstanding the time limits under IC 5-4-1-1.2(c), an individual's deposit before March 1, 2004, of the oath required by IC 5-4-1-1 with the office listed in IC 5-4-1-4 is legalized, and IC 5-4-1-1.2(d) does not apply.

(c) This SECTION expires July 1, 2004.

2004-14-203

SECTION 203. (a) Notwithstanding IC 3-11.7-1-6, as amended by this act, all provisional ballots other than those described in IC 3-11.7-1-5 shall be prepared and printed under the direction of each county election board.

(b) This SECTION expires December 1, 2004.

2004-20-10

SECTION 10. (a) IC 6-1.1-12-9, IC 6-1.1-12-11, IC 6-1.1-12-13, IC 6-1.1-12-14, IC 6-1.1-12-16, and IC 6-1.1-12-17.4, all as amended by this act, apply only to property taxes first due and payable after December 31, 2004.

(b) The amendments to IC 6-1.1-12-18, IC 6-1.1-12-22, and IC 6-1.1-12.1-4.1 by this act apply:

- (1) to property taxes first due and payable after December 31, 2004; and
- (2) regardless of whether a taxpayer's initial deduction in the five (5) year deduction period under IC 6-1.1-12-18, IC 6-1.1-12-22, or IC 6-1.1-12.1-4.1 applied to property taxes first due and payable before January 1, 2005.

2004-21-2

SECTION 2. (a) Notwithstanding IC 4-23-29-8, as added by this act, an individual who, before July 1, 2004, serves as a member of the board of directors of the governor's council for people with disabilities shall finish the term to which the individual was appointed under executive order EO 03-23.

(b) When the term of an individual described in subsection (a) expires, the governor shall appoint a member under IC 4-23-29, as added by this act.

(c) The provisions of IC 4-23-29-8(g), as added by this act, concerning a limit of two (2) consecutive terms apply to an individual who is serving on July 1, 2004, as a member of the board of directors of the governor's council for people with disabilities and who is eligible for reappointment under IC 4-23-29-8, as added by this act.

(d) This SECTION expires December 31, 2006.

2004-22-2

SECTION 2. (a) As used in this SECTION, "CHOICE program" refers to the community and home options to institutional care for the elderly and disabled program established under IC 12-10-10.

(b) As used in this SECTION, "office" refers to the office of the secretary of family and social services (IC 12-8-1-1).

(c) The office shall report, in writing, to the health finance commission (IC 2-5-23) not later than May 1, 2004, the office's progress in implementing IC 12-10-11.5. The report must also include the following:

(1) Plans and progress to use all funds appropriated by the general assembly for the CHOICE program, and only for that program, as long as a waiting list exists for CHOICE program funded services.

(2) Plans for establishing the comprehensive array of home and community based services that are required by IC 12-10-11.5.

(3) Progress in enrolling individuals in home and community based services through Medicaid waivers, using the income eligibility standard established for those services by IC 12-10-11.5.

(4) Progress in moving individuals from institutions to home and community based services through Medicaid waivers, using the funds that follow the individual under IC 12-10-11.5.

(5) Progress in tracking and recording savings generated by the implementation of IC 12-10-11.5.

(6) Plans and actions taken to secure federal funding, including grants and private and state funding, other than funds appropriated to the CHOICE program, to assist in the implementation of IC 12-10-11.5.

(7) The office's reasons for any failure to meet the statutory deadlines established by IC 12-10-11.5.

(d) This SECTION expires July 1, 2005.

2004-23-71

SECTION 71. (a) For purposes of this SECTION, "benefit" means:

(1) a credit under IC 6-1.1-20.9; or

(2) a deduction under any of the following:

IC 6-1.1-12-1
IC 6-1.1-12-9, as amended by this act
IC 6-1.1-12-11
IC 6-1.1-12-13
IC 6-1.1-12-14
IC 6-1.1-12-16
IC 6-1.1-12-17.4.

(b) This SECTION applies to an individual who, with respect to a real property parcel:

- (1) did not receive a benefit for property taxes first due and payable in 2003;
- (2) met the eligibility criteria for the benefit under a section referred to in subsection (a) for property taxes first due and payable in 2004; and
- (3) did not file a timely application as required by law for the benefit for property taxes first due and payable in 2004.

(c) Except as provided in subsection (d), an individual may:

- (1) claim a benefit referred to in subsection (a)(1) by meeting the filing requirements of IC 6-1.1-20.9; and
- (2) claim a benefit referred to in subsection (a)(2) by meeting the filing requirements of IC 6-1.1-12.

(d) The filing requirements for a benefit under this SECTION must be met on or before December 15, 2003.

(e) The department of local government finance shall:

- (1) prescribe forms; or
- (2) issue instructions for the use of existing forms;

for filing a claim under subsection (c).

(f) The county auditor shall determine the individual's eligibility for a benefit under this SECTION. If the county auditor determines that an individual is eligible for a benefit under this SECTION for a parcel, the county auditor shall:

- (1) apply the benefit with respect to taxes first due and payable in 2004 for the parcel; and
- (2) before January 1, 2004:

(A) send to the department of local government finance a revised certification under IC 6-1.1-17-1(a) for the county that reflects:

- (i) the benefits applied under this SECTION; and
- (ii) deductions under IC 6-1.1-12-37 applied as described in subsection (j); and

(B) certify to the department of local government finance the amount of homestead credits allowed in the county under this SECTION for property taxes first due and payable in 2004.

(g) The department of local government finance shall use the revised certifications received under subsection (f)(2)(A) in the department's determination of tax rates under IC 6-1.1-17-16 for taxes first due and payable in 2004. Notwithstanding IC 6-1.1-17-16(d), the department of local government finance may increase a political subdivision's tax rate to an amount that exceeds the amount originally fixed by the political subdivision based on the revised certification received under subsection (f)(2)(A).

(h) Before March 15, 2004, the auditor of state shall certify the amount of homestead credits referred to in subsection (f)(2)(B) to the department of state revenue. For property taxes first due and payable in 2004, the department of state revenue shall allocate under IC 6-1.1-21-4 from the property tax replacement fund an additional amount equal to the total amount of homestead credits allowed under this SECTION for property taxes first due and payable in 2004. The department of state revenue shall distribute the amount allocated under this subsection in the same manner that other property tax replacement fund distributions are made in 2004.

(i) A statement filed under this SECTION to obtain a benefit for property taxes first due and payable in 2004 applies for that year and any succeeding year for which the benefit is allowed.

(j) Each year a person who is entitled under this SECTION to receive the homestead credit under IC 6-1.1-20.9 for property taxes first due and payable in 2004 is entitled for that year to the deduction under IC 6-1.1-12-37 from the assessed value of the real property that qualifies for the homestead credit.

2004-23-72

SECTION 72. Any action taken by the department of local government finance before January 1, 2004, to:

- (1) allow a taxpayer to file a petition under IC 6-1.1-15-1(b)(1) more than forty-five (45) days after notice of a change in the assessment is given to the taxpayer;
- (2) allow the payment of property taxes in installments other than the installments prescribed in IC 6-1.1-22-9(a); or
- (3) waive all or part of a penalty under IC 6-1.1-37-10 of this chapter;

is legalized and validated.

2004-23-73

SECTION 73. (a) As used in this SECTION, "department" refers to the department of local government finance.

(b) The department shall study the feasibility of creating uniform and common computer software programs for property tax assessment purposes, including computer software programs that allow the sharing and transfer of assessment data in a uniform format by the state and all counties.

(c) The department shall report the results of the study required by subsection (b) to the commission on state tax and financing policy before September 1, 2004.

(d) Upon approval of the governor, the budget agency may authorize the payment of expenses incurred by the department in conducting the study required by subsection (b) from amounts allotted from the departmental and institutional emergency contingency fund.

(e) This SECTION expires January 1, 2005.

2004-23-74

SECTION 74. IC 6-1.1-15-11, as amended by this act, applies only to refunds that result from assessment reductions for which notice is

given to the taxpayer after December 31, 2003.

2004-23-75

SECTION 75. IC 6-1.1-17-20, as amended by this act, applies only to property taxes first due and payable after December 31, 2004.

2004-23-76

SECTION 76. IC 6-1.1-18.5-1, as amended by this act, applies to property taxes first due and payable after December 31, 2003.

2004-23-77

SECTION 77. IC 6-1.1-18.5-13 and IC 6-1.1-21-2, both as amended by this act, apply only to property taxes first due and payable after December 31, 2003.

2004-23-78

SECTION 78. IC 6-1.1-18.5-17 and IC 6-1.1-19-1.7, both as amended by this act, apply only to property taxes first due and payable after December 31, 2003.

2004-23-79

SECTION 79. IC 6-1.1-18.5-16, IC 6-1.1-19-1.5, IC 6-1.1-19-4.7, IC 20-5.5-7-3, and IC 21-3-1.7-6.8, all as added by this act, apply to property taxes first due and payable after December 31, 2003.

2004-23-80

SECTION 80. An elected county assessor, township assessor, or township trustee-assessor is required to comply with IC 6-1.1-35-1.1, as amended by this act, only if the assessor or trustee-assessor is elected to a new term of office that begins after June 30, 2004.

2004-23-81

SECTION 81. (a) The definitions in IC 6-1.1-1 apply throughout this SECTION.

(b) Except as provided in subsection (c), a review of an assessment of real property for the 2003 assessment date initiated by a taxpayer after May 10, 2003, and not later than forty-five (45) days after the taxpayer receives a tax statement for the property taxes that are based on the assessment of the real property for the 2002 assessment date, is valid if:

(1) the review:

- (A) was initiated before the date of passage of this act; and
- (B) complied with IC 6-1.1-15-1, as in effect before the amendments made by this act; or

(2) the review;

- (A) is initiated after the date of passage of this act; and
- (B) complies with IC 6-1.1-15-1, as amended by this act;

other than the requirement for initiating the review not later than May 10, 2003.

(c) Subsection (b) does not apply if a notice of a change of assessment for the real property for the 2003 assessment date is given

to the taxpayer. In this case, the taxpayer may initiate a review of the 2003 assessment of the real property by complying with IC 6-1.1-15-1, as in effect on the date the notice is given.

(d) Except as provided in subsection (e), a review of an assessment of real property for the 2004 assessment date initiated by a taxpayer after May 10, 2004, and not later than forty-five (45) days after the taxpayer receives a tax statement for the property taxes that are based on the assessment of the real property for the 2003 assessment date is valid if the review complies with IC 6-1.1-15-1, as amended by this act, other than the requirement for initiating the review not later than May 10, 2004.

(e) Subsection (d) does not apply if a notice of a change of assessment for the real property for the 2004 assessment date is given to the taxpayer. In this case, the taxpayer may initiate a review of the 2004 assessment of the real property by complying with IC 6-1.1-15-1, as amended by this act.

2004-23-82

SECTION 82. (a) For property taxes first due and payable in 2004 with respect to a homestead (as defined in IC 6-1.1-20.9-1):

(1) a county treasurer who mails a property tax statement under IC 6-1.1-22-8(a)(1) shall include in or mail with the statement; and

(2) a county treasurer who transmits a statement to a person's mortgagee under IC 6-1.1-22-8(a)(2) shall, at the time the county treasurer mails statements under IC 6-1.1-22-8(a)(1), mail or cause to be mailed to the last known address of the person;

a statement in the form determined by the department of local government finance under subsection (b). A statement mailed to a person described in subdivision (2) need not be transmitted to the person's mortgagee.

(b) Not later than ten (10) days after the department of local government finance certifies to a county under IC 6-1.1-17-16 its action on the county's tax rate and tax levy for property taxes first due and payable in 2004, the department shall determine and provide to the county treasurer the wording of a statement concerning property taxes on homesteads in the county, which must be in the following or a substantially similar form, as determined by the department:

"Your assessing officials completed a general reassessment of all real property in the county first effective for property taxes payable in 2003. The reassessment was necessary to comply with Indiana law. The Indiana General Assembly has increased the property tax replacement credit and made other changes to the property tax system to substantially reduce the effects that this reassessment may have on your property tax liability. If the Indiana General Assembly had not taken these actions, the average 2004 property tax bill for homeowners in _____ County would be approximately _____ percent (____%) greater."

The county treasurer is responsible for the preparation and mailing of the statement in the manner provided by subsection (a).

(c) This SECTION expires July 1, 2005.

2004-23-83

SECTION 83. (a) The definitions in IC 6-1.1-1 apply throughout this SECTION.

(b) The department of local government finance may adopt temporary rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to implement the following:

- (1) IC 6-1.1-4-39.
- (2) IC 6-1.1-31-3.
- (3) IC 6-1.1-31-6.
- (4) IC 6-1.1-31-7.

(c) A temporary rule adopted under this SECTION expires on the earlier of the following:

- (1) The date that another temporary rule is adopted under this SECTION or a permanent rule is adopted under IC 4-22-2 to supersede the temporary rule.
- (2) December 31, 2005.

2004-23-84

SECTION 84. (a) The department of local government finance may not prescribe a form for taxpayers to request a preliminary conference under IC 6-1.1-15-1, as amended by this act. Any written document containing the information specified in IC 6-1.1-15-1(b), as amended by this act, is sufficient to initiate a preliminary conference under this act.

(b) The department of local government finance may modify the form known as the "Form 130" to enable township assessors and taxpayers to report the results of preliminary conferences held under IC 6-1.1-15-1, as amended by this act, to the appropriate county property tax assessment board of appeals.

(c) The department of local government finance may not prescribe a form for taxpayers to request a hearing before the county property tax assessment board of appeals under IC 6-1.1-15-1(j), as added by this act. Any written document requesting the hearing is sufficient.

(d) The following provisions apply to a taxpayer who, before the effective date of this act, filed a petition for review of an assessment determination by a township assessor in the manner provided by IC 6-1.1-15-1, as in effect before the effective date of this act:

- (1) The taxpayer is not required to file a request for a preliminary conference with the township assessor.
- (2) The provisions of IC 6-1.1-15-1, as in effect before the effective date of this act, with respect to a preliminary conference with the township assessor and a hearing before the county property tax assessment board of appeals apply to the taxpayer's petition.

2004-23-85

SECTION 85. (a) The commission on state tax and financing policy established under IC 2-5-3 shall study:

- (1) the elimination of property taxes as a source of funding for

local government services other than:

(A) police and fire protection; and

(B) public health purposes; and

(2) alternative sources of revenue that might be used to replace the property taxes described in subdivision (1).

The commission shall complete its study not later than December 31, 2005.

(b) This SECTION expires July 1, 2006.

2004-23-86

SECTION 86. There is appropriated to the department of local government finance an amount sufficient from the assessment training fund established by IC 6-1.1-5.5-4.7, as amended by this act, to carry out the purposes set forth in IC 6-1.1-5.5-4.7, as amended by this act, beginning January 1, 2004, and ending June 30, 2005.

2004-23-87

SECTION 87. (a) The definitions set forth in IC 6-1.1-20 apply throughout this SECTION.

(b) The following provisions apply to a controlled project for which a notice of preliminary determination to issue bonds or enter into a lease was published before March 1, 2004:

(1) The amendments made by IC 6-1.1-20-3.1 and IC 6-1.1-20-3.2, and by IC 6-1.1-20-10, as added by this act, do not apply to:

(A) a petition requesting the application of the petition and remonstrance process to the controlled project; or

(B) a petition or remonstrance concerning the controlled project.

(2) IC 6-1.1-20-3.1 and IC 6-1.1-20-3.2, both as in effect before March 1, 2004, apply to:

(A) a petition requesting the application of the petition and remonstrance process to the controlled project; or

(B) a petition or remonstrance concerning the controlled project.

2004-23-88

SECTION 88. (a) The definitions set forth in IC 6-1.1-1 and IC 6-3-1 apply throughout this SECTION.

(b) As used in this SECTION, "deferred property tax payments" means property taxes imposed on an individual's principal place of residence for the March 1, 2002, assessment date or the January 15, 2003, assessment that are paid during calendar year 2004.

(c) An individual who pays deferred property tax payments during a taxable year is entitled to a deduction from adjusted gross income for those payments. The amount of the deduction is the lesser of:

(1) the amount of deferred property payments paid by the individual during the taxable year; or

(2) two thousand five hundred dollars (\$2,500) minus the amount of the deduction, if any, claimed by the individual for the preceding taxable year under IC 6-3-1-3.5(a)(17) for property

taxes actually paid by the individual during calendar year 2003.

(d) The deduction provided by this SECTION is in addition to the deduction provided by IC 6-3-1-3.5(a)(17) for other property taxes paid during the same taxable year.

2004-24-7

SECTION 7. (a) For purposes of this SECTION, "onsite sewage system" has the meaning set forth in IC 13-11-2-144.8, as added by this act.

(b) The department of environmental management and the state department of health shall jointly:

(1) prepare a report that includes the following:

(A) a review of literature and recent research to document:

(i) the effect of nitrates and nitrites in drinking water on public health;

(ii) the effect of onsite sewage systems on levels of nitrates and nitrites in groundwater;

(iii) the movement of nitrates and nitrites in soils; and

(iv) the onsite sewage system technologies available to achieve compliance with the nitrate and nitrite numeric criteria included in the groundwater quality standards under 327 IAC 2-11, as in effect January 1, 2004; and

(B) the impact if newly installed onsite sewage systems were required to comply with the nitrate and nitrite numeric criteria included in the groundwater quality standards under 327 IAC 2-11, as in effect January 1, 2004, including:

(i) the number of residences and commercial facilities affected; and

(ii) the cost of implementation; and

(2) submit the report referred to in subdivision (a) before January 1, 2009, to:

(A) the governor;

(B) the executive director of the legislative services agency in an electronic format under IC 5-14-6; and

(C) the environmental quality service council.

(c) This SECTION expires January 1, 2009.

2004-24-8

SECTION 8. (a) Except as provided in subsection (b), before July 1, 2006, the:

(1) air pollution control board, water pollution control board, or solid waste management board may not adopt a new rule; and

(2) department of environmental management may not adopt a new policy;

if the new rule or policy would require any industry described in subsection (b) that experienced at least a ten percent (10%) job loss or a ten percent (10%) decline in production during calendar years 2001, 2002, and 2003 to comply with a standard of conduct that exceeds the standard established in a related federal regulation or regulatory policy.

(b) Subsection (a) does not apply to the adoption of a new rule by the air pollution control board that is necessary to attain or maintain the

primary or secondary national ambient air quality standards as part of a state implementation plan submitted to the United States Environmental Protection Agency under Section 110 of the federal Clean Air Act (42 U.S.C. 7410a).

(c) The following are the industries referred to in subsection (a) functioning under the following primary Standard Industrial Classification (SIC) codes:

- (1) Blast furnaces and steel mills (3312).
 - (2) Gray and ductile iron foundries (3321).
 - (3) Malleable iron foundries (3322).
 - (4) Steel investment foundries (3324).
 - (5) Steel foundries (3325).
 - (6) Aluminum foundries (3365).
 - (7) Copper foundries (3366).
 - (8) Nonferrous foundries (3369).
- (d) This SECTION expires July 1, 2006.

2004-25-7

SECTION 7. (a) For purposes of this SECTION, "bull ride simulator" has the meaning set forth in IC 22-12-1-3.5, as added by this act.

(b) Notwithstanding IC 22-12-1-19.1, as amended by this act, and IC 22-15-7, a bull ride simulator may be operated without a valid regulated amusement device permit through July 1, 2005, under subsection (c).

(c) To operate a bull ride simulator as described in subsection (b), the owner of the bull ride simulator must:

- (1) register the bull ride simulator with the office of the state building commissioner not later than July 1, 2004, by providing the information required by the office for such a registration on a form approved by the office; and
- (2) demonstrate compliance with all of the insurance requirements for regulated amusement devices under IC 22-15-7-2.5 to the office of the state building commissioner not later than July 1, 2004.

(d) If the regulated amusement device safety board established under IC 22-12-4.5-2 determines that additional safety standards specific to bull ride simulators are appropriate or needed, subject to the approval of the fire prevention and building safety commission, the regulated amusement device safety board shall adopt rules under IC 4-22-2 to establish equipment laws containing these additional safety standards for bull ride simulators not later than July 1, 2005.

(e) This SECTION expires July 1, 2005.

2004-25-8

SECTION 8. (a) It is the intent of the general assembly that a standard known as NFPA 1126, Standard for the Use of Pyrotechnics before a Proximate Audience, 2001 Edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269, be incorporated into the Indiana Administrative Code, as required by IC 22-11-14.5-3, as added by this act.

(b) 675 IAC 22-2.2-25(b)(1), with respect to NFPA 1126, is void. The publisher of the Indiana Administrative Code and the Indiana Register shall remove the reference to NFPA 1126 in 675 IAC 22-2.2-25(b)(1) from the Indiana Administrative Code.

(c) The fire prevention and building safety commission shall carry out the duties imposed upon it under IC 22-11-14.5, as added by this act, under interim guidelines approved by the executive director of the fire and building services department.

(d) This SECTION expires on the earlier of the following:

- (1) The date rules are adopted under IC 22-11-14.5-3, as added by this act.
- (2) December 31, 2005.

2004-28-185

SECTION 185. (a) There is created the civil war flags commission.

(b) The powers and duties of the civil war flags commission are as follows:

- (1) Solicit donations from school children and businesses for the purpose of restoring and preserving civil war flags.
- (2) Accept donations from organizations and individuals for the purpose of restoring and preserving civil war flags.
- (3) Coordinate fund raising activities for the purpose of restoring and preserving the civil war flags.
- (4) Deposit receipts from donations and other sources in the civil war flags fund (IC 10-18-1-14).
- (5) Advise the Indiana war memorials commission on the use of money in the civil war flags fund (IC 10-18-1-14).

(c) The civil war flag commission consists of the following persons appointed as follows:

- (1) Two (2) members of the house of representatives, not more than one (1) of whom may be from the same political party, appointed by the speaker of the house of representatives. The members appointed under this subdivision are nonvoting members of the commission.
- (2) Two (2) members of the senate, not more than one (1) of whom may be from the same political party, appointed by the president pro tempore of the senate. The members appointed under this subdivision are nonvoting members of the commission.
- (3) Two (2) members of a Civil War Round Table organization appointed by the governor.
- (4) One (1) member of the Indiana war memorials commission (IC 10-18-1-2) appointed by the governor.
- (5) Two (2) members of the Save the Colors Coalition appointed by the governor.
- (6) One (1) member of the Sons of Union Veterans appointed by the governor.
- (7) One (1) member of the veterans affairs commission (IC 10-17-1-3) appointed by the governor.
- (8) Two (2) members of the general public appointed by the governor.
- (9) Six (6) students from ten (10) to nineteen (19) years of age

appointed by the governor upon the recommendation of the civil war flags commission. The commission shall base its recommendations to the governor upon the results of an essay contest that the commission shall establish and judge. The members appointed under this subdivision are nonvoting members of the commission.

(d) The commission shall organize itself and elect those officers that it considers necessary to accomplish the purposes of the commission. A nonvoting member of the commission may serve as an officer of the commission.

(e) The civil war flags commission shall be organized as a nonprofit organization and may not spend more than two percent (2%) of the funds collected on administrative costs, including soliciting for additional funds. There is continuously appropriated from the civil war flags fund established under IC 10-18-1-14 to the civil war flags commission an amount sufficient to pay for those administrative costs of the civil war flags commission that does not exceed two percent (2%) of the funds collected by the civil war flags commission and deposited in the civil war flags fund.

(f) The civil war flags commission shall report in an electronic format under IC 5-14-6 to the legislative council on the commission's activities by November 1 of each year.

(g) Any state funds appropriated to the Indiana war memorials commission (IC 10-18-1-2) that are subject to reversion at the end of the state fiscal year, not to exceed fifty thousand dollars (\$50,000), do not revert to the state general fund but are appropriated to the civil war flags fund established under IC 10-18-1-14. The funds shall be deposited in the civil war flags fund within sixty (60) days of the end of the state fiscal year.

(h) This SECTION expires July 1, 2006.

2004-28-186

SECTION 186. (a) The rail corridor safety committee is established.

(b) The committee consists of eight (8) members as follows:

(1) Four (4) members of the house of representatives appointed by the speaker of the house of representatives. Not more than two (2) members appointed under this subdivision may represent the same political party.

(2) Four (4) members of the senate appointed by the president pro tempore of the senate. Not more than two (2) members appointed under this subdivision may represent the same political party.

(c) The chairman of the legislative council shall designate one (1) member of the committee to be chairperson of the committee.

(d) Each member of the committee appointed under subsection (b)(1) or (b)(2) is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on legislative study committees established by the legislative council.

(e) The committee shall do the following:

(1) Study the safety of rail corridors, including corridors at overpasses, underpasses, and crossings.

(2) Review railroad safety records.

(3) Study methods of encouraging cooperation among the railroads, local government, state government, and federal government to enhance the safety of railroads.

(4) Study other topics as assigned by the legislative council.

(f) The committee shall issue a final report to the legislative council regarding the matters listed under subsection (e) before November 1, 2005. The report must be in an electronic format under IC 5-14-6.

(g) The committee is under the jurisdiction of the legislative council and shall operate under policies and procedures established by the legislative council.

(h) Staff and administrative support for the committee shall be provided by the legislative services agency.

(i) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

(j) This SECTION expires November 1, 2005.

2004-28-187

SECTION 187. (a) As used in this SECTION, "commission" refers to the Indiana commission on excellence in health care established by subsection (d).

(b) As used in this SECTION, "health care professional" has the meaning set forth in IC 16-27-1-1.

(c) As used in this SECTION, "health care provider" includes the following:

(1) A hospital or an ambulatory outpatient surgical center licensed under IC 16-21.

(2) A hospice program (as defined in IC 16-25-1.1-4).

(3) A home health agency licensed under IC 16-27-1.

(4) A health facility licensed under IC 16-28.

(d) There is established the Indiana commission on excellence in health care.

(e) The commission consists of the following members:

(1) Four (4) members appointed from the house of representatives by the speaker of the house of representatives. Not more than two (2) of the members appointed under this subdivision may be members of the same political party.

(2) Four (4) members appointed from the senate by the president pro tempore of the senate. Not more than two (2) of the members appointed under this subdivision may be members of the same political party.

(3) The governor or the governor's designee.

(4) The state health commissioner appointed under IC 16-19-4-2 or the commissioner's designee.

(5) One (1) member appointed by the governor who is a former dean or former faculty member of the Indiana University School of Medicine.

(6) One (1) member appointed by the governor who is a former dean or former faculty member of an Indiana school of nursing.

(7) One (1) member appointed by the governor who is a health care provider or a representative for individuals who have both a

mental illness and a developmental disability.

(f) The commission shall operate under the rules of the legislative council. The commission shall meet upon the call of the chairperson.

(g) The affirmative votes of at least seven (7) voting members of the commission are required for the commission to take any action, including the approval of a final report.

(h) The speaker of the house of representatives shall appoint the chairperson of the commission during odd-numbered years beginning January 1. The president pro tempore of the senate shall appoint the chairperson of the commission during even-numbered years beginning January 1.

(i) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(j) Each member of the commission who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(k) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

(l) The legislative services agency shall provide staff to support the commission. The legislative services agency is not required to provide staff assistance to the subcommittees of the commission except to the extent the subcommittees require copying services.

(m) The expenses of the commission shall be paid from funds appropriated to the legislative services agency.

(n) The commission shall study the quality of health care, including mental health, and develop a comprehensive statewide strategy for improving the health care delivery system. The commission shall do the following:

- (1) Identify existing data sources that evaluate quality of health care in Indiana and collect, analyze, and evaluate this data.
- (2) Establish guidelines for data sharing and coordination.
- (3) Identify core sets of quality measures for standardized reporting by appropriate components of the health care continuum.
- (4) Recommend a framework for quality measurement and outcome reporting.
- (5) Develop quality measures that enhance and improve the ability to evaluate and improve care.
- (6) Make recommendations regarding research and development needed to advance quality measurement and reporting.

- (7) Evaluate regulatory issues relating to the pharmacy profession and recommend changes necessary to optimize patient safety.
- (8) Facilitate open discussion of a process to ensure that comparative information on health care quality is valid, reliable, comprehensive, understandable, and widely available in the public domain.
- (9) Sponsor public hearings to share information and expertise, identify best practices, and recommend methods to promote their acceptance.
- (10) Evaluate current regulatory programs to determine what changes, if any, need to be made to facilitate patient safety.
- (11) Review public and private health care purchasing systems to determine if there are sufficient mandates and incentives to facilitate continuous improvement in patient safety.
- (12) Analyze how effective existing regulatory systems are in ensuring continuous competence and knowledge of effective safety practices.
- (13) Develop a framework for organizations that license, accredit, or credential health care professionals and health care providers to more quickly and effectively identify unsafe providers and professionals and to take action necessary to remove an unsafe provider or professional from practice or operation until the professional or provider has proven safe to practice or operate.
- (14) Recommend procedures for development of a curriculum on patient safety and methods of incorporating the curriculum into training, licensure, and certification requirements.
- (15) Develop a framework for regulatory bodies to disseminate information on patient safety to health care professionals, health care providers, and consumers through conferences, journal articles and editorials, newsletters, publications, and Internet websites.
- (16) Recommend procedures to incorporate recognized patient safety considerations into practice guidelines and into standards related to the introduction and diffusion of new technologies, therapies, and drugs.
- (17) Recommend a framework for development of community based collaborative initiatives for error reporting and analysis and implementation of patient safety improvements.
- (18) Evaluate the role of advertising in promoting or adversely affecting patient safety.
- (19) Evaluate and make recommendations regarding the need for licensure of additional persons who participate in the delivery of health care to Indiana residents.
- (20) Evaluate the benefits and problems of the current disciplinary systems and make recommendations regarding alternatives and improvements.
- (21) Study and make recommendations concerning the long term care system, including self-directed care plans and the regulation and reimbursement of public and private facilities that provide long term care.
- (22) Study any other topic required by the chairperson.

(o) The commission may create subcommittees to study topics, receive testimony, and prepare reports on topics assigned by the commission. The chairperson shall select from the topics listed under subsection (n) the topics to be studied by the commission and subcommittees each year. The chairperson shall appoint persons to act as chairperson and secretary of each subcommittee. The commission shall by majority vote appoint members to each subcommittee. A member of a subcommittee, including a commission member while serving on a subcommittee, is not entitled to per diem, mileage, or travel allowances.

(p) The commission shall submit:

(1) interim reports not later than October 1, 2001, and October 1, 2002; and

(2) a final report not later than October 1, 2003;

to the governor, members of the health finance commission, and the legislative council. With the consent of the chairperson of the commission and the chairperson of the health finance commission, the commission and the health finance commission may conduct joint meetings. A final report submitted under this subsection to the legislative council must be in an electronic format under IC 5-14-6.

(q) This SECTION expires July 1, 2004.

2004-28-188

SECTION 188. (a) As used in this SECTION, "council" refers to the environmental quality service council established by subsection (c).

(b) As used in this SECTION, "department" refers to the department of environmental management.

(c) The environmental quality service council is established.

(d) The council consists of seventeen (17) voting members and one (1) nonvoting member as follows:

(1) Four (4) members of the senate, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the president pro tempore of the senate.

(2) Four (4) members of the house of representatives, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the speaker of the house of representatives.

(3) The:

(A) commissioner of the department; or

(B) commissioner's designee;

who serves as a nonvoting member.

(4) Nine (9) individuals who are not members of the general assembly and who are appointed by the governor as follows:

(A) Two (2) individuals representing business and industry, not more than one (1) of whom may be affiliated with the same political party.

(B) Two (2) individuals representing local government, one (1) of whom may be a solid waste management district director and not more than one (1) of whom may be affiliated with the same political party.

(C) Two (2) individuals representing environmental interests,

one (1) of whom may be a solid waste management district director and not more than one (1) of whom may be affiliated with the same political party.

(D) One (1) individual representing the general public.

(E) Two (2) individuals representing the following interests:

(i) One (1) representative of semipublic permittees.

(ii) One (1) representative of agriculture.

Until an appointment is made under clause (A), (B), (C), (D), or (E), an unfilled position shall be held by the corresponding member of the environmental quality service council serving on December 31, 2000, who was appointed under P.L.248-1996, SECTION 1(d)(4) to represent the same interest as must be represented by the person appointed to the unfilled position.

(e) Appointments are valid for two (2) years after the date of the appointment. However, a member shall serve on the council until a new appointment is made.

(f) If a vacancy occurs among the members of the council, the appointing authority of the member whose position is vacant shall fill the vacancy by appointment. If the appointing authority does not fill a vacancy within sixty (60) days after the date the vacancy occurs, the vacancy shall be filled by appointment by the chairman of the legislative council.

(g) The chairman of the legislative council shall designate a member of the council to be the chairman of the council.

(h) The chairman of the council shall call for the council to meet at least one (1) time during a calendar year. The chairman may designate subcommittees to meet between committee meetings and report back to the full council.

(i) Each member of the council is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative and lay members, respectively, on interim study committees established by the legislative council.

(j) The council shall do the following:

(1) Study issues designated by the legislative council.

(2) Advise the commissioner of the department on policy issues decided upon by the council.

(3) Review the mission and goals of the department and evaluate the implementation of the mission.

(4) Serve as a council of the general assembly to evaluate:

(A) resources and structural capabilities of the department to meet the department's priorities; and

(B) program requirements and resource requirements for the department.

(5) Serve as a forum for citizens, the regulated community, and legislators to discuss broad policy directions.

(6) Submit a final report to the legislative council that contains at least the following:

(A) An outline of activities of the council.

(B) Recommendations for any department action.

(C) Recommendations for any legislative action.

(k) The commissioner of the department shall report to the council

each month concerning the following:

- (1) Permitting programs and technical assistance.
- (2) Proposed rules and rulemaking in progress.
- (3) The financial status of the department.
- (4) Any additional matter requested by the council.

(l) The council shall:

- (1) operate under procedures; and
- (2) issue reports and recommendations;

as directed by the legislative council.

(m) The legislative services agency shall provide staff support to the council.

(n) A report submitted under this SECTION to the legislative council must be in an electronic format under IC 5-14-6.

(o) This SECTION expires December 31, 2005.

2004-28-189

SECTION 189. (a) As used in this SECTION, "commission" refers to the Indiana commission on excellence in health care established by subsection (d).

(b) As used in this SECTION, "health care professional" has the meaning set forth in IC 16-27-1-1.

(c) As used in this SECTION, "health care provider" includes the following:

- (1) A hospital or an ambulatory outpatient surgical center licensed under IC 16-21.
- (2) A hospice program (as defined in IC 16-25-1.1-4).
- (3) A home health agency licensed under IC 16-27-1.
- (4) A health facility licensed under IC 16-28.

(d) There is established the Indiana commission on excellence in health care.

(e) The commission consists of the following members:

- (1) Four (4) members appointed from the house of representatives by the speaker of the house of representatives. Not more than two (2) of the members appointed under this subdivision may be members of the same political party.
- (2) Four (4) members appointed from the senate by the president pro tempore of the senate. Not more than two (2) of the members appointed under this subdivision may be members of the same political party.
- (3) The governor or the governor's designee.
- (4) The state health commissioner appointed under IC 16-19-4-2 or the commissioner's designee.
- (5) One (1) member appointed by the governor who is a former dean or former faculty member of the Indiana University School of Medicine.
- (6) One (1) member appointed by the governor who is a former dean or former faculty member of an Indiana school of nursing.
- (7) One (1) member appointed by the governor who is a health care provider or a representative for individuals who have both a mental illness and a developmental disability.

(f) The commission shall operate under the rules of the legislative

council. The commission shall meet upon the call of the chairperson.

(g) The affirmative votes of at least seven (7) voting members of the commission are required for the commission to take any action, including the approval of a final report.

(h) The speaker of the house of representatives shall appoint the chairperson of the commission during odd-numbered years beginning January 1. The president pro tempore of the senate shall appoint the chairperson of the commission during even-numbered years beginning January 1.

(i) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(j) Each member of the commission who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(k) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

(l) The legislative services agency shall provide staff to support the commission. The legislative services agency is not required to provide staff assistance to the subcommittees of the commission except to the extent the subcommittees require copying services.

(m) The expenses of the commission shall be paid from funds appropriated to the legislative services agency.

(n) The commission shall study the quality of health care, including mental health, and develop a comprehensive statewide strategy for improving the health care delivery system. The commission shall do the following:

- (1) Identify existing data sources that evaluate quality of health care in Indiana and collect, analyze, and evaluate this data.
- (2) Establish guidelines for data sharing and coordination.
- (3) Identify core sets of quality measures for standardized reporting by appropriate components of the health care continuum.
- (4) Recommend a framework for quality measurement and outcome reporting.
- (5) Develop quality measures that enhance and improve the ability to evaluate and improve care.
- (6) Make recommendations regarding research and development needed to advance quality measurement and reporting.
- (7) Evaluate regulatory issues relating to the pharmacy profession and recommend changes necessary to optimize patient safety.

- (8) Facilitate open discussion of a process to ensure that comparative information on health care quality is valid, reliable, comprehensive, understandable, and widely available in the public domain.
- (9) Sponsor public hearings to share information and expertise, identify best practices, and recommend methods to promote their acceptance.
- (10) Evaluate current regulatory programs to determine what changes, if any, need to be made to facilitate patient safety.
- (11) Review public and private health care purchasing systems to determine if there are sufficient mandates and incentives to facilitate continuous improvement in patient safety.
- (12) Analyze how effective existing regulatory systems are in ensuring continuous competence and knowledge of effective safety practices.
- (13) Develop a framework for organizations that license, accredit, or credential health care professionals and health care providers to more quickly and effectively identify unsafe providers and professionals and to take action necessary to remove an unsafe provider or professional from practice or operation until the professional or provider has proven safe to practice or operate.
- (14) Recommend procedures for development of a curriculum on patient safety and methods of incorporating the curriculum into training, licensure, and certification requirements.
- (15) Develop a framework for regulatory bodies to disseminate information on patient safety to health care professionals, health care providers, and consumers through conferences, journal articles and editorials, newsletters, publications, and Internet websites.
- (16) Recommend procedures to incorporate recognized patient safety considerations into practice guidelines and into standards related to the introduction and diffusion of new technologies, therapies, and drugs.
- (17) Recommend a framework for development of community based collaborative initiatives for error reporting and analysis and implementation of patient safety improvements.
- (18) Evaluate the role of advertising in promoting or adversely affecting patient safety.
- (19) Evaluate and make recommendations regarding the need for licensure of additional persons who participate in the delivery of health care to Indiana residents.
- (20) Evaluate the benefits and problems of the current disciplinary systems and make recommendations regarding alternatives and improvements.
- (21) Study and make recommendations concerning the long term care system, including self-directed care plans and the regulation and reimbursement of public and private facilities that provide long term care.
- (22) Study and make recommendations concerning increasing the number of:

- (1) nurses;

- (2) respiratory care practitioners;
- (3) speech pathologists; and
- (4) dental hygienists.

(23) Study any other topic required by the chairperson.

(o) The commission may create subcommittees to study topics, receive testimony, and prepare reports on topics assigned by the commission. The chairperson shall select from the topics listed under subsection (n) the topics to be studied by the commission and subcommittees each year. The chairperson shall appoint persons to act as chairperson and secretary of each subcommittee. The commission shall by majority vote appoint initial members to each subcommittee. Each subcommittee may by a majority vote of the members appointed to the subcommittee make a recommendation to the commission to appoint additional members to the subcommittee. The commission may by a majority vote of the members appointed to the commission appoint or remove members of a subcommittee. A member of a subcommittee, including a commission member while serving on a subcommittee, is not entitled to per diem, mileage, or travel allowances.

(p) The commission shall submit:

- (1) interim reports not later than October 1, 2001, and October 1, 2002; and
- (2) a final report not later than October 1, 2003;

to the governor, members of the health finance commission, and the legislative council. With the consent of the chairperson of the commission and the chairperson of the health finance commission, the commission and the health finance commission may conduct joint meetings. A final report submitted under this subsection to the legislative council must be in an electronic format under IC 5-14-6.

(q) This SECTION expires July 1, 2004.

2004-28-190

SECTION 190. (a) As used in this SECTION, "association" has the meaning set forth in IC 27-8-10-1.

(b) As used in this SECTION, "association policy" has the meaning set forth in IC 27-8-10-1.

(c) As used in this SECTION, "insured" has the meaning set forth in IC 27-8-10-1.

(d) Beginning December 1, 2002, not later than December 31 of each calendar year, the association shall report the following information for the immediately preceding calendar year to the legislative council and the department of insurance:

- (1) The rate of turnover of insureds.
- (2) The percentage of premiums for association policies that are paid by the following:
 - (A) An insured.
 - (B) A third party.
- (3) The amount that each individual association member is:
 - (A) assessed under IC 27-8-10-2.1(g); and
 - (B) able to take in tax credits under IC 27-8-10-2.1(n).
- (4) The impact of insuring federally eligible individuals under association policies.

(e) A report under this SECTION to the legislative council must be in an electronic format under IC 5-14-6.

(f) This SECTION expires June 30, 2005.

2004-28-191

SECTION 191. (a) As used in this SECTION, "division" refers to the division of mental health and addiction.

(b) Except as provided in subsection (c), notwithstanding IC 12-23-1-6(4), IC 12-23-14-7, and 440 IAC 4.4-2-1(e), the division may not grant specific approval to be a new provider of any of the following:

- (1) Methadone.
- (2) Levo-alpha-cetylmethadol.
- (3) Levo-alpha-acetylmethadol.
- (4) Levomethadyl acetate.
- (5) LAAM.
- (6) Buprenorphine.

(c) The division may not grant specific approval to be a new provider of one (1) or more of the drugs listed under subsection (b) unless:

- (1) the drugs will be provided in a county with a population of more than forty thousand (40,000);
- (2) there are no other providers located in the county or in a county contiguous to the county where the provider will provide the drugs; and
- (3) the provider supplies, in writing:
 - (A) a needs assessment for Indiana citizens under guidelines established by the division; and
 - (B) any other information required by the division.

(d) Except as provided in subsection (k), the division shall prepare a report by June 30 of each year concerning treatment offered by methadone providers that contains the following information:

- (1) The number of methadone providers in the state.
- (2) The number of patients on methadone during the previous year.
- (3) The length of time each patient received methadone and the average length of time all patients received methadone.
- (4) The cost of each patient's methadone treatment and the average cost of methadone treatment.
- (5) The rehabilitation rate of patients who have undergone methadone treatment.
- (6) The number of patients who have become addicted to methadone.
- (7) The number of patients who have been rehabilitated and are no longer on methadone.
- (8) The number of individuals, by geographic area, who are on a waiting list to receive methadone.
- (9) Patient information as reported to a central registry created by the division.

(e) Each methadone provider in the state shall provide information requested by the division for the report under subsection (d). The

information provided to the division may not reveal the specific identity of a patient.

(f) The information provided to the division under subsection (e) must be based on a calendar year.

(g) The information required under subsection (e) for calendar year 1998 must be submitted to the division not later than June 30, 1999. Subsequent information must be submitted to the division not later than:

- (1) February 29, 2004, for calendar year 2003;
- (2) February 28, 2005, for calendar year 2004;
- (3) February 28, 2006, for calendar year 2005;
- (4) February 28, 2007, for calendar year 2006; and
- (5) February 29, 2008, for calendar year 2007.

(h) Failure of a certified provider to submit the information required under subsection (e) may result in suspension or termination of the provider's certification.

(i) The division shall report to the governor and the legislative council the failure of a certified provider to provide information required by subsection (e).

(j) The division shall distribute the report prepared under subsection (d) to the governor and legislative council.

(k) The first report the division is required to prepare under subsection (d) is due not later than September 30, 1999.

(l) The division shall establish a central registry to receive the information required by subsection (d)(9).

(m) A report distributed under this SECTION to the legislative council must be in an electronic format under IC 5-14-6.

(n) This SECTION expires July 1, 2008.

2004-28-192

SECTION 192. (a) As used in this SECTION, "member" refers to a person appointed under subsection (c)(3) or (c)(4) or to a legislator whose district includes all or part of Lake County, Porter County, LaPorte County, St. Joseph County, or Elkhart County.

(b) The northwest Indiana transportation study commission is established.

(c) The commission consists of fourteen (14) voting members appointed as follows:

- (1) Six (6) members of the senate, not more than three (3) of whom may be members of the same political party, appointed by the president pro tempore of the senate.
- (2) Six (6) members of the house of representatives, not more than three (3) of whom may be members of the same political party, appointed by the speaker of the house of representatives.
- (3) One (1) individual who is not a legislator, appointed by the Northwestern Indiana Regional Planning Commission.
- (4) One (1) individual who is not a legislator, appointed by the Michiana Area Council of Governments.

(d) The chairman of the legislative council shall select one (1) member of the commission to serve as the chairperson and the vice chairman of the legislative council shall select one (1) member of the

commission to serve as the vice chairperson.

(e) The commission shall:

- (1) monitor the development of commuter transportation and rail service in the Lowell-Chicago and Valparaiso-Chicago corridors;
- (2) study all aspects of regional mass transportation and road and highway needs in Lake County, Porter County, LaPorte County, St. Joseph County, and Elkhart County; and
- (3) study other topics as assigned by the legislative council.

(f) The commission shall submit a final report of the commission's findings and recommendations to the legislative council before November 1, 2005. The report must be in an electronic format under IC 5-14-6.

(g) Each member of the commission is entitled to receive the same per diem, mileage, and travel allowances paid to individuals serving as legislative or lay members on interim study committees established by the legislative council.

(h) The legislative services agency shall provide staff support to the commission.

(i) This SECTION expires November 2, 2005.

2004-28-193

SECTION 193. (a) As used in this SECTION, "state department" refers to the state department of health established by IC 16-19-1-1.

(b) The state department shall collect the following data for each county concerning each county resident diagnosed with lead poisoning:

- (1) The individual's name.
- (2) The individual's address.
- (3) Whether the individual is a child or an adult.
- (4) The results of the blood test used to diagnose the individual.
- (5) The individual's normal limits for the test.

(c) Personal information collected under subsection (b) is confidential.

(d) The state department shall, not later than:

- (1) December 31, 2003, for data collected during 2003; and
- (2) December 31, 2004, for data collected during 2004;

report to the governor's office and the legislative council the number of adults and the number of children diagnosed with lead poisoning in each county.

(e) A report under this SECTION to the legislative council must be in an electronic format under IC 5-14-6.

(f) This SECTION expires December 31, 2005.

2004-28-194

SECTION 194. (a) As used in this SECTION, "commission" refers to the Indiana commission on excellence in health care established by subsection (d).

(b) As used in this SECTION, "health care professional" has the meaning set forth in IC 16-27-1-1.

(c) As used in this SECTION, "health care provider" includes the following:

- (1) A hospital or an ambulatory outpatient surgical center licensed

under IC 16-21.

(2) A hospice program (as defined in IC 16-25-1.1-4).

(3) A home health agency licensed under IC 16-27-1.

(4) A health facility licensed under IC 16-28.

(d) There is established the Indiana commission on excellence in health care.

(e) The commission consists of the following members:

(1) Four (4) members appointed from the house of representatives by the speaker of the house of representatives. Not more than two

(2) of the members appointed under this subdivision may be members of the same political party.

(2) Four (4) members appointed from the senate by the president pro tempore of the senate. Not more than two (2) of the members appointed under this subdivision may be members of the same political party.

(3) The governor or the governor's designee.

(4) The state health commissioner appointed under IC 16-19-4-2 or the commissioner's designee.

(5) One (1) member appointed by the governor who is a former dean or former faculty member of the Indiana University School of Medicine.

(6) One (1) member appointed by the governor who is a former dean or former faculty member of an Indiana school of nursing.

(7) One (1) member appointed by the governor who is a health care provider or a representative for individuals who have both a mental illness and a developmental disability.

(f) The commission shall operate under the rules of the legislative council. The commission shall meet upon the call of the chairperson.

(g) The affirmative votes of at least seven (7) voting members of the commission are required for the commission to take any action, including the approval of a final report.

(h) The speaker of the house of representatives shall appoint the chairperson of the commission during odd-numbered years beginning January 1. The president pro tempore of the senate shall appoint the chairperson of the commission during even-numbered years beginning January 1.

(i) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(j) Each member of the commission who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(k) Each member of the commission who is a member of the general

assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

(l) The legislative services agency shall provide staff to support the commission. The legislative services agency is not required to provide staff assistance to the subcommittees of the commission except to the extent the subcommittees require copying services.

(m) The expenses of the commission shall be paid from funds appropriated to the legislative services agency.

(n) The commission shall study the quality of health care, including mental health, and develop a comprehensive statewide strategy for improving the health care delivery system. The commission shall do the following:

(1) Identify existing data sources that evaluate quality of health care in Indiana and collect, analyze, and evaluate this data.

(2) Establish guidelines for data sharing and coordination.

(3) Identify core sets of quality measures for standardized reporting by appropriate components of the health care continuum.

(4) Recommend a framework for quality measurement and outcome reporting.

(5) Develop quality measures that enhance and improve the ability to evaluate and improve care.

(6) Make recommendations regarding research and development needed to advance quality measurement and reporting.

(7) Evaluate regulatory issues relating to the pharmacy profession and recommend changes necessary to optimize patient safety.

(8) Facilitate open discussion of a process to ensure that comparative information on health care quality is valid, reliable, comprehensive, understandable, and widely available in the public domain.

(9) Sponsor public hearings to share information and expertise, identify best practices, and recommend methods to promote their acceptance.

(10) Evaluate current regulatory programs to determine what changes, if any, need to be made to facilitate patient safety.

(11) Review public and private health care purchasing systems to determine if there are sufficient mandates and incentives to facilitate continuous improvement in patient safety.

(12) Analyze how effective existing regulatory systems are in ensuring continuous competence and knowledge of effective safety practices.

(13) Develop a framework for organizations that license, accredit, or credential health care professionals and health care providers to more quickly and effectively identify unsafe providers and professionals and to take action necessary to remove an unsafe provider or professional from practice or operation until the professional or provider has proven safe to practice or operate.

(14) Recommend procedures for development of a curriculum on patient safety and methods of incorporating the curriculum into training, licensure, and certification requirements.

(15) Develop a framework for regulatory bodies to disseminate information on patient safety to health care professionals, health care providers, and consumers through conferences, journal articles and editorials, newsletters, publications, and Internet websites.

(16) Recommend procedures to incorporate recognized patient safety considerations into practice guidelines and into standards related to the introduction and diffusion of new technologies, therapies, and drugs.

(17) Recommend a framework for development of community based collaborative initiatives for error reporting and analysis and implementation of patient safety improvements.

(18) Evaluate the role of advertising in promoting or adversely affecting patient safety.

(19) Evaluate and make recommendations regarding the need for licensure of additional persons who participate in the delivery of health care to Indiana residents.

(20) Evaluate the benefits and problems of the current disciplinary systems and make recommendations regarding alternatives and improvements.

(21) Study and make recommendations concerning the long term care system, including self-directed care plans and the regulation and reimbursement of public and private facilities that provide long term care.

(22) Study and make recommendations concerning increasing the number of:

- (1) nurses;
- (2) respiratory care practitioners;
- (3) speech pathologists; and
- (4) dental hygienists.

(23) Study any other topic required by the chairperson.

(o) The commission may create subcommittees to study topics, receive testimony, and prepare reports on topics assigned by the commission. The chairperson shall select from the topics listed under subsection (n) the topics to be studied by the commission and subcommittees each year. The chairperson shall appoint persons to act as chairperson and secretary of each subcommittee. The commission shall by majority vote appoint initial members to each subcommittee. Each subcommittee may by a majority vote of the members appointed to the subcommittee make a recommendation to the commission to appoint additional members to the subcommittee. The commission may by a majority vote of the members appointed to the commission appoint or remove members of a subcommittee. A member of a subcommittee, including a commission member while serving on a subcommittee, is not entitled to per diem, mileage, or travel allowances.

(p) The commission shall submit:

- (1) interim reports not later than October 1, 2001, and October 1, 2002; and

- (2) a final report not later than October 31, 2004;

to the governor, members of the health finance commission, and the legislative council. With the consent of the chairperson of the

commission and the chairperson of the health finance commission, the commission and the health finance commission may conduct joint meetings. A final report submitted under this subsection to the legislative council must be in an electronic format under IC 5-14-6.

(q) This SECTION expires November 1, 2004.

2004-28-195

SECTION 195. (a) As used in this SECTION, "committee" refers to the sentencing policy study committee established by subsection (c).

(b) The general assembly finds that a comprehensive study of sentencing laws and policies is desirable in order to:

- (1) assure that sentencing laws and policies protect the public safety;
- (2) establish fairness and uniformity in sentencing laws and policies;
- (3) determine whether incarceration or alternative sanctions are appropriate for various categories of criminal offenses; and
- (4) maximize cost effectiveness in the administration of sentencing laws and policies.

(c) The sentencing policy study committee is established to evaluate sentencing laws and policies as they relate to:

- (1) the purposes of the criminal justice and corrections systems;
- (2) the availability of sentencing options; and
- (3) the inmate population in department of correction facilities.

If based on the committee's evaluation under this subsection it determines changes are necessary or appropriate, the committee shall make recommendations to the general assembly for the modification of sentencing laws and policies and for the addition, deletion, or expansion of sentencing options.

(d) The committee shall do the following:

(1) Evaluate the existing classification of criminal offenses into felony and misdemeanor categories. In determining the proper category for each felony and misdemeanor, the committee shall consider, to the extent they have relevance, the following:

- (A) The nature and degree of harm likely to be caused by the offense, including whether it involves property, irreplaceable property, a person, a number of persons, or a breach of the public trust.
- (B) The deterrent effect a particular classification may have on the commission of the offense.
- (C) The current incidence of the offense in Indiana.
- (D) The rights of the victim.

(2) Recommend structures to be used by a sentencing court in determining the most appropriate sentence to be imposed in a criminal case, including any combination of imprisonment, probation, restitution, community service, or house arrest. The committee shall also consider:

- (A) the nature and characteristics of the offense;
- (B) the severity of the offense in relation to other offenses;
- (C) the characteristics of the defendant that mitigate or aggravate the seriousness of the criminal conduct and the

- punishment deserved for that conduct;
- (D) the defendant's number of prior convictions;
- (E) the available resources and capacity of the department of correction, local confinement facilities, and community based sanctions; and
- (F) the rights of the victim.

The committee shall include with each set of sentencing structures an estimate of the effect of the sentencing structures on the department of correction and local facilities with respect to both fiscal impact and inmate population.

(3) Review community corrections and home detention programs for the purpose of:

- (A) standardizing procedures and establishing rules for the supervision of home detainees; and
- (B) establishing procedures for the supervision of home detainees by community corrections programs of adjoining counties.

(4) Determine the long range needs of the criminal justice and corrections systems and recommend policy priorities for those systems.

(5) Identify critical problems in the criminal justice and corrections systems and recommend strategies to solve the problems.

(6) Assess the cost effectiveness of the use of state and local funds in the criminal justice and corrections systems.

(7) Recommend a comprehensive community corrections strategy based upon:

- (A) a review of existing community corrections programs;
- (B) the identification of additional types of community corrections programs necessary to create an effective continuum of corrections sanctions;
- (C) the identification of categories of offenders who should be eligible for sentencing to community corrections programs and the impact that changes to the existing system of community corrections programs would have on sentencing practices;
- (D) the identification of necessary changes in state oversight and coordination of community corrections programs;
- (E) an evaluation of mechanisms for state funding and local community participation in the operation and implementation of community corrections programs; and
- (F) an analysis of the rate of recidivism of clients under the supervision of existing community corrections programs.

(8) Propose plans, programs, and legislation for improving the effectiveness of the criminal justice and corrections systems.

(9) Evaluate the use of faith based organizations as an alternative to incarceration.

(e) The committee may study other topics assigned by the legislative council or as directed by the committee chair.

(f) The committee consists of fifteen (15) members appointed as follows:

- (1) Two (2) members of the senate, not more than one (1) of

whom may be affiliated with the same political party, to be appointed by the president pro tempore of the senate.

(2) Two (2) members of the house of representatives, not more than one (1) of whom may be affiliated with the same political party, to be appointed by the speaker of the house of representatives.

(3) The chief justice of the supreme court or the chief justice's designee.

(4) The commissioner of the department of correction or the commissioner's designee.

(5) The director of the Indiana criminal justice institute or the director's designee.

(6) The executive director of the prosecuting attorneys council or the executive director's designee.

(7) The executive director of the public defenders council or the executive director's designee.

(8) One (1) person with experience in administering community corrections programs appointed by the governor.

(9) One (1) person with experience in administering probation programs appointed by the governor.

(10) Two (2) judges who exercise juvenile jurisdiction, not more than one (1) of whom may be affiliated with the same political party, to be appointed by the governor.

(11) Two (2) judges who exercise criminal jurisdiction, not more than one (1) of whom may be affiliated with the same political party, to be appointed by the governor.

(g) The chairman of the legislative council shall appoint a legislative member of the committee to serve as chair of the committee. Whenever there is a new chairman of the legislative council, the new chairman may remove the chair of the committee and appoint another chair.

(h) If a legislative member of the committee ceases to be a member of the chamber from which the member was appointed, the member also ceases to be a member of the committee.

(i) A legislative member of the committee may be removed at any time by the appointing authority who appointed the legislative member.

(j) If a vacancy exists on the committee, the appointing authority who appointed the former member whose position is vacant shall appoint an individual to fill the vacancy.

(k) The committee shall submit a final report of the results of its study to the legislative council before November 1, 2004. The final report must be in electronic format under IC 5-14-6.

(l) The Indiana criminal justice institute shall provide staff support to the committee.

(m) Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative and lay members, respectively, of interim study committees established by the legislative council.

(n) The affirmative votes of a majority of the members appointed to the committee are required for the committee to take action on any measure, including the final report.

(o) Except as otherwise specifically provided by this act, the committee shall operate under the rules of the legislative council. All funds necessary to carry out this act shall be paid from appropriations to the legislative council and legislative services agency.

(p) This SECTION expires December 31, 2004.

2004-28-196

SECTION 196. (a) As used in this SECTION, "association" refers to the comprehensive health insurance association established under IC 27-8-10-2.1.

(b) The office of Medicaid policy and planning established by IC 12-8-6-1 and the association shall cooperatively investigate methods of decreasing association costs related to coverage of individuals diagnosed with hemophilia, including the potential for a demonstration waiver under Section 1115 of the federal Social Security Act.

(c) The office and the association shall, not later than December 31, 2003, compile the results of the investigation required under subsection (b) and report the results to the legislative council in an electronic format under IC 5-14-6.

(d) This SECTION expires June 30, 2004.

2004-28-197

SECTION 197. (a) As used in this SECTION, "commission" refers to the commission on abused and neglected children and their families established by subsection (b).

(b) The commission on abused and neglected children and their families is established to develop and present an implementation plan for a continuum of services for children at risk of abuse or neglect and children who have been abused or neglected and their families.

(c) The commission consists of the following members appointed not later than August 15, 2003:

- (1) One (1) prosecuting attorney or a deputy prosecuting attorney.
- (2) One (1) attorney who specializes in juvenile law.
- (3) One (1) representative from law enforcement.
- (4) Two (2) children's advocates.
- (5) One (1) guardian ad litem or court appointed special advocate.
- (6) One (1) juvenile court judge.
- (7) One (1) public agency children's services caseworker.
- (8) One (1) private agency children's services caseworker.
- (9) The director of the division of family and children or the director's designee.
- (10) One (1) counselor or social worker from Indiana's "at risk" school program.
- (11) One (1) pediatrician.
- (12) One (1) medical social worker.
- (13) Two (2) faculty members, including:
 - (A) one (1) faculty member from an Indiana accredited graduate school of social work, who shall serve as the chair of the commission; and
 - (B) one (1) faculty member from an Indiana accredited undergraduate school of social work.

(14) One (1) county director to be appointed from the Indiana State Association of County Welfare Administrators.

(15) One (1) foster parent who is a member of a foster advocacy organization.

(16) One (1) adoptive parent who is a member of an adoptive parent advocacy organization.

(17) One (1) nonprofit family services agency provider.

(18) One (1) representative of child caring institution providers.

(19) One (1) psychologist who works with abused and neglected children.

(20) One (1) individual who has experience and training in juvenile fire setting identification and intervention.

(21) Two (2) members of the house of representatives appointed by the speaker of the house of representatives. The members appointed under this subdivision may not be members of the same political party.

(22) Two (2) members of the senate appointed by the president pro tempore of the senate. The members appointed under this subdivision may not be members of the same political party.

The speaker of the house of representatives shall appoint the members under subdivisions (2), (5), (8), (10), (15), and (17) and one (1) member under subdivision (4). The president pro tempore of the senate shall appoint the members under subdivisions (3), (11), (12), (16), (18), and (19) and one (1) member under subdivision (4). The governor shall appoint the members under subdivisions (1), (6), (7), (14), and (20) and both members under subdivision (13). Vacancies shall be filled by the appointing authority for the remainder of the unexpired term.

(d) Each member of the commission shall have an interest or experience in improving the quality of services provided to children at risk of abuse or neglect and abused or neglected children and their families in Indiana.

(e) A majority of the voting members of the commission constitutes a quorum.

(f) The Indiana accredited graduate school of social work represented by the chair of the commission shall staff the commission.

(g) The commission shall meet at the call of the chair and shall meet as often as necessary to carry out the purpose of this SECTION.

(h) The expenses of administering the commission shall be paid from the resources of the Indiana accredited graduate school of social work represented by the chair of the commission. Expenses under this subsection include the following:

(1) Photocopying and printing costs.

(2) Costs of supplies.

(i) Members of the commission are not entitled to a salary per diem or reimbursement of expenses for service on the commission.

(j) The commission's responsibilities include the following:

(1) Reviewing Indiana's public and private family services delivery system for children at risk of abuse or neglect and for children who have been reported as suspected victims of child abuse or neglect.

(2) Reviewing federal, state, and local funds appropriated to meet

the service needs of children and their families.

(3) Reviewing current best practices standards for the provision of child and family services.

(4) Examining the qualifications and training of service providers, including foster parents, adoptive parents, child caring institution staff, child placing agency staff, case managers, supervisors, and administrators, and making recommendations for a training curriculum and other necessary changes.

(5) Recommending methods to improve use of available public and private funds to address the service needs described in subdivision (2).

(6) Providing information concerning identified unmet needs of children and families and providing recommendations concerning the development of resources to meet the identified needs.

(7) Suggesting policy, program, and legislative changes related to the family services described in subdivision (1) to accomplish the following:

(A) Enhancement of the quality of the services.

(B) Identification of potential resources to promote change to enhance the services.

(8) Preparing a report consisting of the commission's findings and recommendations, and the presentation of the implementation plan for a continuum of services for children at risk of abuse or neglect and for abused or neglected children and their families specified under subsection (b).

(k) In carrying out the commission's responsibilities, the commission shall consider pertinent studies on children at risk of abuse or neglect and on abused or neglected children and their families.

(l) The affirmative votes of a majority of the commission's members are required for the commission to take action on any measure, including recommendations included in the report required under subsection (j)(8).

(m) The commission shall submit the report required under subsection (j)(8) to the governor, the legislative council, and the board for the coordination of child care regulation established by IC 12-17.2-3.1-1 not later than August 15, 2004. The report must be available to the public upon request not later than December 31, 2004. A report submitted under this subsection to the legislative council must be in an electronic format under IC 5-14-6.

(n) This SECTION expires January 1, 2005.

2004-28-198

SECTION 198. (a) An insurer that issues a policy of accident and sickness insurance that contains a waiver under IC 27-8-5-2.5(e) or IC 27-8-5-19.2, both as added by this act, shall submit to the commissioner of the department of insurance the following information for the reporting periods specified under subsection (b) on a form prescribed by the commissioner:

(1) The number of policies that the insurer issued with a waiver.

(2) A list of specified conditions that the insurer waived.

(3) The number of waivers issued for each specified condition

listed under subdivision (2).

(4) The number of waivers issued categorized by the period of time for which coverage of a specified condition was waived.

(5) The number of applicants who were denied insurance coverage by the insurer because of a specified condition.

(6) The number of:

(A) complaints; and

(B) requests for external grievance review; filed in relation to a waiver.

(b) An insurer shall submit the information required under subsection (a) as follows:

(1) Not later than August 1, 2004, for the reporting period July 1, 2003, through June 30, 2004.

(2) Not later than August 1, 2005, for the reporting period July 1, 2004, through June 30, 2005.

(3) Not later than August 1, 2006, for the reporting period July 1, 2005, through June 30, 2006.

(4) Not later than August 1, 2007, for the reporting period July 1, 2006, through June 30, 2007.

(c) The commissioner of the department of insurance shall forward the information submitted:

(1) under subsection (b)(1) not later than November 1, 2004;

(2) under subsection (b)(2) not later than November 1, 2005;

(3) under subsection (b)(3) not later than November 1, 2006; and

(4) under subsection (b)(4) not later than November 1, 2007;

to the legislative council.

(d) The commissioner of the department of insurance shall compile the information submitted under subsection (b) and, not later than November 1 of each year, report the information to the legislative council and the general assembly in an electronic format under IC 5-14-6.

(e) The commissioner of the department of insurance shall after June 30 of each year beginning in 2004 perform written or oral interviews with every available certificate holder of a certificate of coverage issued under IC 27-8-5-19.2, as added by this act, and compile the results of the interviews and report the results to the legislative council:

(1) for the period beginning July 1, 2003, and ending June 30, 2004, not later than November 1, 2004;

(2) for the period beginning July 1, 2004, and ending June 30, 2005, not later than November 1, 2005;

(3) for the period beginning July 1, 2005, and ending June 30, 2006, not later than November 1, 2006; and

(4) for the period beginning July 1, 2006, and ending June 30, 2007, not later than November 1, 2007.

All costs related to this subsection must be borne by the insurers selected under IC 27-8-5-19.2, as added by this act.

(f) This SECTION expires June 30, 2008.

2004-28-199

SECTION 199. A report submitted to the legislative council by the

division of disability, aging, and rehabilitative services under P.L.224-2003, SECTION 8, must be in an electronic format under IC 5-14-6.

2004-28-200

SECTION 200. (a) As used in this SECTION, "boards" refers to:

- (1) the air pollution control board;
- (2) the water pollution control board; and
- (3) the solid waste management board.

(b) Before November 1, 2003, the environmental quality service council shall:

- (1) consider whether the rulemaking operations of the boards are sufficiently independent of the influence of:
 - (A) the department of environmental management; and
 - (B) other state agencies or entities;
- (2) consider the overall efficiency of rulemaking operations of the boards; and
- (3) submit its final report on the matters described in subdivisions (1) and (2) to:
 - (A) the governor; and
 - (B) the executive director of the legislative services agency.

A report submitted under subdivision (3)(B) must be in electronic format under IC 5-14-6.

(c) As part of its consideration under subsections (b)(1) and (b)(2), the environmental quality service council shall examine the following:

- (1) The composition of the boards.
- (2) The appointing authorities for members of the boards.
- (3) The extent to which the boards control staff who serve the boards.
- (4) The sources and availability of data concerning:
 - (A) the fiscal impact; and
 - (B) other aspects;of proposed rules.
- (5) The involvement of employees of:
 - (A) the department of environmental management; and
 - (B) other state agencies or entities;in the rulemaking process.
- (6) The procedures to initiate and adopt proposed rules.
- (7) The procedures to determine which issues are addressed in proposed rules and which issues are addressed in nonrule policy documents.
- (8) The requirements for public notice and public participation in the rulemaking process.
- (9) The means by which other states maintain independent and efficient operations of environmental rulemaking entities.
- (10) Any other matter the environmental quality service council considers appropriate.

(d) This SECTION expires January 1, 2004.

2004-35-4

SECTION 4. IC 35-47.5-5-11, as added by this act, applies only to

offenses committed after June 30, 2004.

2004-46-3

SECTION 3. IC 35-46-1-4 and IC 35-46-1-8, both as amended by this act, apply only to offenses committed after June 30, 2004.

2004-48-9

SECTION 9. (a) Notwithstanding IC 9-27-4-4, as amended by this act, the bureau of motor vehicles shall carry out the duties imposed upon it under IC 9-27-4-4, as amended by this act, under interim written guidelines approved by the commissioner of the bureau of motor vehicles.

(b) This SECTION expires on the earlier of the following:

- (1) The date rules are adopted under IC 9-27-4-4, as amended by this act.
- (2) December 31, 2004.

2004-50-6

SECTION 6. (a) IC 16-47-1-5(a)(1), as added by this act, applies to a health benefit plan described in IC 16-47-1-2(1), IC 16-47-1-2(2), and IC 16-47-1-2(3), all as added by this act, established, entered into, delivered, amended, or renewed after December 31, 2004.

(b) IC 16-47-1-5(a)(2), as added by this act, applies to a health benefit plan described in IC 16-47-1-2(4), as added by this act, on the date that the health benefit plan is established, entered into, delivered, amended, or renewed after December 31, 2004.

2004-50-7

SECTION 7. (a) Not later than November 1, 2004, the budget agency shall conduct a study and submit a written report to the budget committee that:

- (1) sets forth the status of the participation of other midwestern states; and
 - (2) researches the feasibility, costs, and legal parameters of Indiana's participation;
- in a regional or multi-state prescription drug aggregate purchasing program.

(b) This SECTION expires December 31, 2005.

2004-51-11

SECTION 11. (a) Notwithstanding IC 27-8-10-2.1, as amended by this act:

- (1) fifty percent (50%) of any net loss determined under IC 27-8-10-2.1, as in effect on January 1, 2004, shall be assessed by the association to all members in proportion to their respective shares of total health insurance premiums, excluding premiums for Medicaid contracts with the state, received in Indiana during the calendar year (or with paid losses in the year) coinciding with or ending during the fiscal year of the association; and
- (2) fifty percent (50%) of any net loss determined under IC 27-8-10-2.1, as in effect on January 1, 2004, shall be assessed

by the association to all members in proportion to their respective shares of the number of individuals in Indiana who are covered under health insurance provided by a member, excluding individuals who are covered under Medicaid contracts with the state during the calendar year coinciding with or ending during the fiscal year of the association.

(b) This section expires May 1, 2004.

2004-51-12

SECTION 12. The amounts certified to the budget agency under IC 27-8-10-2.1(o), as amended by this act, beginning January 1, 2005, and ending June 30, 2005, are appropriated to the budget agency for its use in making the payments required by IC 27-8-10-2.1(g), as amended by this act, beginning January 1, 2005, and ending June 30, 2005.

2004-51-13

SECTION 13. (a) The definitions in IC 27-8-10-1 apply throughout this SECTION.

(b) An insured who was, after June 30, 2003, and before the effective date of IC 27-8-10-3.2, as added by this act, billed by a health care provider for an amount that exceeded:

(1) the payment made by the association under the insured's association policy for eligible expenses incurred by the insured; and

(2) any copayment, deductible, or coinsurance amounts applicable under the association policy;

and paid all or a portion of the amount may, not later than December 31, 2004, submit to the association proof of the insured's payment. The association shall reimburse the insured the amount for which proof of payment is submitted by the insured.

(c) All amounts reimbursed by the association under this SECTION shall be assessed by the association to all members of the association according to the member assessment methodology in effect on the date of the assessment under:

(1) IC 27-8-10; or

(2) SECTION 11 of this act.

(d) This SECTION expires December 31, 2006.

2004-51-14

SECTION 14. (a) The definitions in IC 27-8-10-1 apply throughout this SECTION.

(b) IC 27-8-10-3.2, as added by this act, applies to any billing that occurs on or after the effective date of IC 27-8-10-3.2, as added by this act, regardless of when the health care services to which the bill applies were provided.

2004-52-13

SECTION 13. (a) The environmental quality service council shall do the following:

(1) Monitor the implementation of SECTIONS 21 through 25, 27 through 35, 38, and 39 of this act.

- (2) Review the role of the department of environmental management with respect to action on requests under Section 401 of the Clean Water Act (33 U.S.C. 1341) for certifications concerning projects subject to permit requirements under Section 404 of the Clean Water Act (33 U.S.C. 1344), and recommend whether statutory direction is appropriate or necessary in defining that role.
- (3) Complete its consideration of the options for statutory definition of "private pond" as used in the definition of "waters" in IC 13-11-2-265, as amended by this act, and:
 - (A) recommend an option; and
 - (B) include with the recommendation a statement of rationale for the recommendation.
- (4) Evaluate the tensions between existing programs for wetlands protection and for local drainage and recommend principles and policies for ameliorating those tensions, taking into consideration the rationale and objectives for both programs.
- (5) Submit its final report on the matters described in subdivisions (1) through (4) before November 1, 2004, to:
 - (A) the governor; and
 - (B) the executive director of the legislative services agency.
- (b) The environmental quality service council shall:
 - (1) conduct an ongoing evaluation of the implementation of the permit program for state regulated wetlands under IC 13-18-22, as added by this act;
 - (2) recommend any adjustments to the program referred to in subdivision (1) that are considered advisable to improve the operation and effectiveness of the program, consistent with the purpose of providing an efficient permitting process and enhancing the attainment of an overall goal of no net loss of state regulated wetlands; and
 - (3) submit its final report on the matters described in subdivisions (1) and (2) before November 1, 2006; to:
 - (A) the governor; and
 - (B) the executive director of the legislative services agency.
- (c) This SECTION expires January 1, 2007.

2004-54-7

SECTION 7. (a) The Lewis and Clark bicentennial commission established by this act is the successor in interest to all property, rights, contracts, liabilities, obligations, and duties of the Lewis and Clark bicentennial commission established by P.L.7-2001.

(b) A member of Lewis and Clark bicentennial commission established by P.L.7-2001 becomes a member of the Lewis and Clark bicentennial commission established by this act without reappointment by the appointing authority. However, the member continues to serve on the commission at the pleasure of the appointing authority.

2004-55-2

SECTION 2. (a) In addition to the duties imposed under IC 8-1-2.5-9, the regulatory flexibility committee established by

IC 8-1-2.6-4 shall issue a report and recommendations in an electronic format under IC 5-14-6 to the legislative council before November 1, 2004, concerning:

- (1) 911 fees addressed in House Bill 1304, as introduced during the second regular session of the 113th general assembly; and
- (2) the relationship between state wireless and local wireless systems.

(b) This SECTION expires January 1, 2005.

2004-59-4

SECTION 4. (a) Notwithstanding IC 27-1-12.5-3, as amended by this act, and SECTION 5 of this act, after June 30, 2004, and before July 1, 2006, a company (as defined in IC 27-1-2-3) may elect to apply one (1) of the following to an annuity contract (as defined in IC 27-1-12.5-1) issued after June 30, 2004, and before July 1, 2006, on a form by form basis:

- (1) IC 27-1-12.5-3, as amended by this act.
- (2) IC 27-1-12.5-3, as in effect before amendment by this act.

(b) This SECTION expires July 1, 2006.

2004-59-5

SECTION 5. IC 27-1-12.5-2 and IC 27-1-12.5-3, both as amended by this act, apply to an annuity contract (as defined in IC 27-1-12.5-1) issued after June 30, 2004.

2004-60-3

SECTION 3. (a) Notwithstanding IC 8-1-19.5-12, as added by this act, the first report required under IC 8-1-19.5-12, as added by this act, shall be submitted to the general assembly not later than November 1, 2005.

(b) This SECTION expires January 1, 2006.

2004-61-5

SECTION 5. (a) The initial terms of office of the fourteen (14) individuals described IC 16-46-11.1-5(a)(1) through IC 16-46-11.1-5(a)(13), initially appointed to the commission on health care interpreters and translators under IC 16-46-11.1-5, as added by this act, are as follows:

- (1) Seven (7) members for a term of one (1) year; and
- (2) Seven (7) members for a term of two (2) years.

The state health commissioner shall designate the term of office of each individual initially appointed to the commission.

(b) This SECTION expires June 30, 2005.

2004-61-6

SECTION 6. (a) As used in this SECTION, "commission" refers to the commission on health care interpreters and translators established by IC 16-46-11.1-4, as added by this act.

(b) Not later than November 1, 2004, the commission shall report the commission's findings and recommendations determined under IC 16-46-11.1-6, as added by this act, to the health finance commission

established by IC 2-5-23-3.

(c) This SECTION expires December 31, 2005.

2004-62-3

SECTION 3. The southwest Indiana law enforcement training academy may only receive funding from:

- (1) a local unit of government (as defined in IC 14-22-31.5-1);
- (2) a unit of a fraternal order or a similar association;
- (3) charitable contributions; or
- (4) federal grants.

2004-63-3

SECTION 3. (a) As used in this SECTION, "commission" refers to the enterprise zone study commission.

(b) The commission consists of the following members:

- (1) Two (2) members of the house of representatives appointed by the speaker of the house of representatives, who may not be members of the same political party.
- (2) Two (2) members of the senate appointed by the president pro tempore of the senate, who may not be members of the same political party.
- (3) Two (2) members appointed by the speaker of the house of representatives who are individuals involved in the operation and implementation of enterprise zones or urban enterprise associations.
- (4) Two (2) members appointed by the president pro tempore of the senate who are individuals involved in the operation and implementation of enterprise zones or urban enterprise associations.
- (5) The executive director of the department of commerce or the executive director's designee, who is a nonvoting member of the commission.
- (6) The commissioner of the department of local government finance or the commissioner's designee, who is a nonvoting member of the commission.

(c) The chairperson of the legislative council shall appoint a chairperson of the commission.

(d) The commission shall study the following:

- (1) Means of assisting enterprise zones in attracting businesses to:
 - (A) downtown areas; and
 - (B) disadvantaged areas.
- (2) Ways to replace sources of funding for urban enterprise associates that were the responsibility of the owners of inventory property located in an enterprise zone before the enactment of tax deductions that eliminate most property taxes on inventory.
- (3) Ways to mitigate the shift to homeowners and other property taxpayers of the property tax levies that were the responsibility of the owners of inventory property before the enactment of tax deductions that eliminate most property taxes on inventory.

(e) The commission shall operate under the policies governing study committees adopted by the legislative council.

(f) The affirmative vote of a majority of the voting members appointed to the commission is required for the commission to take action on any measure, including the final report.

(g) This SECTION expires November 1, 2004.

2004-64-28

SECTION 28. (a) IC 27-1-15.7-2, as amended by this act, applies only to a limited lines producer with a title qualification who renews the limited lines producer's license issued under IC 27-1-15.6 after December 31, 2005.

(b) IC 27-1-15.7-5, as amended by this act, does not apply to an insurance producer program of study until January 1, 2005.

(c) This SECTION expires July 1, 2010.

2004-64-38

SECTION 38. (a) Except as provided in subsection (b), IC 6-1.1-22-8, as amended by this act, applies only to statements prepared and mailed for property taxes and special assessments first due and payable after December 31, 2004.

(b) IC 6-1.1-22-8, as amended by this act, applies to statements prepared and mailed for property taxes and special assessments first due and payable in a county after December 31, 2003, if that date is specified in an ordinance adopted by the county under IC 6-1.1-22-8(d), as amended by this act.

2004-64-39

SECTION 39. (a) As used in this SECTION, "commission" refers to the property tax replacement study commission established by subsection (b).

(b) The property tax replacement study commission is established.

(c) The commission consists of twenty-four (24) members who are appointed as follows:

(1) Twelve (12) members appointed by the president pro tempore of the senate as follows:

(A) One (1) member representing manufacturing.

(B) One (1) member representing small business.

(C) One (1) member representing farmers.

(D) One (1) member representing home builders.

(E) One (1) member representing realtors.

(F) One (1) member who is a member of a city fiscal body.

(G) One (1) member who is a mayor.

(H) One (1) member who is a township trustee.

(I) Two (2) members of the senate, not more than one (1) of whom may be affiliated with the same political party.

(J) Two (2) members, without regard to representation or affiliation.

(2) Twelve (12) members appointed by the speaker of the house of representatives as follows:

(A) One (1) member representing business.

(B) One (1) member representing labor.

(C) One (1) member representing senior citizens.

- (D) One (1) member representing professional educators.
- (E) One (1) member representing banking.
- (F) One (1) member who is a parent of a child enrolled in kindergarten through grade 12.
- (G) One (1) member who is a school board member.
- (H) One (1) member who is a member of a county fiscal body.
- (I) Two (2) members of the house of representatives, not more than one (1) of whom may be affiliated with the same political party.
- (J) Two (2) members, without regard to representation or affiliation.

Not more than twelve (12) members of the commission may be from the same political party.

(d) Except for the members appointed under subsection (c)(1)(I) and (c)(2)(I), the members appointed under subsection (c):

- (1) may not be members of the general assembly;
- (2) must own property subject to assessment under IC 6-1.1; and
- (3) have knowledge and experience in the areas of taxation and government finance or school finance.

Each member must be appointed not later than thirty (30) days after the effective date of this act.

(e) The president pro tempore of the senate and the speaker of the house of representatives shall each appoint a cochairperson of the commission.

(f) The commission shall study the following proposals:

- (1) Eliminating approximately fifty percent (50%) of net property tax levies.
- (2) Eliminating approximately seventy-five percent (75%) of net property tax levies.
- (3) Eliminating approximately one hundred percent (100%) of net property tax levies.

The study required under this subsection must identify revenue sources capable of replacing property taxes and providing sufficient revenue to maintain essential government services.

(g) The commission is authorized to meet throughout the year at the call of the cochairpersons. The cochairpersons must call the first meeting of the commission not later than forty-five (45) days after the effective date of this act. The commission shall submit status reports concerning the commission's activities to the legislative council during June and September of 2004.

(h) Before December 1, 2004, the commission shall submit to the legislative council an executive summary of each of the possible alternatives for achieving the property tax elimination proposals described in subsection (f). As soon as possible after submission of the executive summary, the commission shall supplement the executive summary with a final report to the legislative council covering the following matters:

- (1) The commission's schedule of meetings and the public testimony received at those meetings.
- (2) The commission's findings and recommendations, including any recommendations for statutory changes.

- (3) A fiscal analysis of the cost to the state, units of local government, and school corporations to implement:
 - (A) the alternatives for property tax elimination presented in the commission's executive summary; and
 - (B) the commission's recommendations.
- (i) Except as otherwise provided in this SECTION, the commission shall operate under the rules and procedures of the legislative council.
- (j) The affirmative votes of at least thirteen (13) members of the commission are required for the commission to take action on any measure.
- (k) Members of the commission are entitled to per diem and travel allowances in the same amounts as the legislative council provides for members of interim study committees.
- (l) The legislative services agency shall provide staff support for the commission as directed by a subcommittee established by the legislative council.
- (m) The status reports, executive summary, and final report required by this SECTION must be in an electronic format under IC 5-14-6.
- (n) This SECTION expires January 1, 2005.

2004-64-40

SECTION 40. (a) As used in this SECTION, "commission" refers to the local government efficiency and financing study commission established by this SECTION.

(b) As used in this SECTION, "municipal corporation" means a county, city, town, township, library district, local housing authority, fire protection district, public transportation corporation, local building authority, local hospital authority or corporation, local airport authority, special service district, special taxing district, or other separate local governmental entity that may sue and be sued.

(c) There is established the local government efficiency and financing study commission. The commission shall study the following:

- (1) Local government financing, structure, and methods of providing necessary services to the public to determine the most appropriate and efficient means of providing services.
 - (2) Merger and consolidation of municipal corporations and the sharing of services among municipal corporations to improve the efficiency of local government.
 - (3) Creation of local charter governments and the restructuring of municipal corporations, including a review of Senate Bill 225-2004, which proposed allowing local governments to establish charter governments.
 - (4) The efforts of Fort Wayne and Allen County to restructure municipal and county government.
 - (5) The ongoing study conducted by Vanderburgh County concerning the restructuring of local government.
 - (6) The efforts of other states to consolidate local government.
 - (7) Any other issue as determined by the commission.
- (d) The commission consists of the following twenty-three (23) members:

- (1) Five (5) members appointed by the governor as follows:
 - (A) One (1) member who is the mayor of a third class city.
 - (B) One (1) member representing business.
 - (C) One (1) member representing labor.
 - (D) One (1) member who is an economic development professional.
 - (E) One (1) member who is a public safety employee of a second class city.
- (2) Four (4) members who are members of the senate, appointed by the president pro tempore of the senate. Not more than two (2) members may be of the same political party.
- (3) Four (4) members who are members of the house of representatives, appointed by the speaker of the house of representatives. Not more than two (2) members may be of the same political party.
- (4) Ten (10) members as follows:
 - (A) One (1) member who is a county commissioner appointed by the president pro tempore of the senate.
 - (B) One (1) member who is the mayor of a second class city appointed by the speaker of the house of representatives.
 - (C) One (1) member who is a member of a city council of a second class city appointed by the president pro tempore of the senate.
 - (D) One (1) member who is a member of a county council appointed by the speaker of the house of representatives.
 - (E) Two (2) members who are township trustees. One (1) member shall be appointed by the president pro tempore of the senate. One (1) member shall be appointed by the speaker of the house of representatives. The member appointed by the speaker of the house of representatives must be a trustee assessor.
 - (F) One (1) member, appointed by the speaker of the house of representatives, who is a member of a town legislative body.
 - (G) One (1) member, appointed by the president pro tempore of the senate, who is:
 - (i) an elected or appointed and a qualified township assessor; and
 - (ii) not a township trustee.
 - (H) One (1) member, appointed by the speaker of the house, who is a county assessor.
 - (I) One (1) member, appointed by the president pro tem of the senate, who is a member of a city council of a third class city.
- (e) Not more than five (5) members appointed under subsection (d)(4) may be of the same political party.
- (f) After the effective date of this act:
 - (1) the president pro tempore of the senate shall appoint the first chairperson of the commission from among the members of the commission who are legislators, for a term that expires December 1, 2004; and
 - (2) the speaker of the house of representatives shall appoint the first vice chairperson of the commission from among the

members of the commission who are legislators, for a term that expires December 1, 2004.

(g) After November 30, 2004:

(1) the speaker of the house of representatives shall appoint the second commission chairperson from among the legislative members of the commission, for a term that expires December 1, 2005; and

(2) the president pro tempore of the senate shall appoint the second commission vice chairperson from among the legislative members of the commission, for a term that expires December 1, 2005.

(h) If a member of the commission who holds public office ceases to hold the public office that the member held when appointed to the commission, the member vacates the member's seat on the commission.

(i) The commission shall operate under the policies governing study committees adopted by the legislative council.

(j) An affirmative vote of a majority of the voting members appointed to the commission is required for the commission to take action on any measure, including final reports.

(k) The commission shall annually submit a final report to the legislative council of the commission's recommendations and findings not later than December 1. The report to the legislative council must be in an electronic format under IC 5-14-6.

(l) This SECTION expires December 1, 2005.

2004-64-41

SECTION 41. The general assembly finds that the city of Marion is subject to special circumstances that justify special legislation to allow the city of Marion to establish a tax area under IC 36-7-31.3-9, as amended by this act, before January 1, 2005.

2004-66-6

SECTION 6. (a) As used in this SECTION, "department" refers to the Indiana department of administration established by IC 4-13-1-2.

(b) As used in this SECTION, "preference" refers to an Indiana business preference claimed by a contractor or a business under a preference statute.

(c) As used in this SECTION, "preference statute" refers to either of the following:

(1) IC 4-13.6-6-2.7, as added by this act.

(2) IC 5-22-15-20.5, as added by this act.

(d) The department shall compile and organize a report relating to every contractor or business that claims a preference. The report must include the following information:

(1) A summary of the information that contractors and businesses that claim a preference are required to report under the preference statute.

(2) A summary of the number of contracts awarded to Indiana contractors or businesses under a preference statute. The summary must be broken down by each of the criteria in the preference statute for determining whether a business is an

Indiana business.

(3) A statement of issues or questions raised, if any, in the implementation of the preference statutes.

(4) A statement of recommendations, if any, that the department has for changes to the preference statutes.

(5) Any other information the department considers useful in the evaluation of the preference statutes.

(e) The report described by subsection (c) must:

(1) provide the statistical information broken down by fiscal year with the fiscal year ending:

(A) June 30, 2005, being the first year of the report; and

(B) June 30, 2008, being the last year of the report; and

(2) be submitted to the legislative council not later than September 1, 2008, in an electronic format under IC 5-14-6.

(f) This SECTION expires July 1, 2009.

2004-68-2

SECTION 2. IC 6-4.1-1-3, as amended by this act, applies to the estate of an individual who dies after June 30, 2004.

2004-71-32

SECTION 32. (a) Notwithstanding 312 IAC 25-1-57, "government financed construction" means construction that is:

(1) at least fifty percent (50%) funded by funds appropriated from a government financing agency's budget or obtained from general revenue bonds; or

(2) less than fifty percent (50%) funded by funds appropriated from a government financing agency's budget or obtained from general revenue bonds if construction is undertaken as an approved reclamation project under Title IV of the federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 through 1328) and IC 14-34-19.

However, construction through government financing guarantees, insurance, loans, funds obtained through industrial revenue bonds or their equivalent, or in-kind payments do not qualify as government financed construction.

(b) Before July 1, 2006, the department of natural resources shall amend 312 IAC 25-1-57 to correspond with this SECTION.

(c) This SECTION expires July 1, 2007.

2004-72-19

SECTION 19. IC 6-1.1-12.1-3, as amended by this act, applies to property taxes first due and payable after December 31, 2004.

2004-72-20

SECTION 20. IC 7.1-3-20-16.1, as added by this act, applies to an application for a permit received after June 30, 2004.

2004-72-21

SECTION 21. Notwithstanding IC 7.1-3-21-3, IC 7.1-3-21-5, IC 7.1-3-21-5.2, and IC 7.1-3-21-5.4, all as amended by this act, the

residency requirement of five (5) years for beer wholesalers under IC 7.1-3-21-3, IC 7.1-3-21-5, IC 7.1-3-21-5.2, and IC 7.1-3-21-5.4 (as those provisions existed on June 30, 2004) shall remain in effect for all contracts entered into before July 1, 2004, under which a permit is to be transferred from an Indiana resident to a person who was not an Indiana resident at the time of execution of the contract.

2004-73-49

SECTION 49. (a) Notwithstanding IC 4-4-3-8(b)(15), as added by this act, the department of commerce shall carry out the duties imposed on it under IC 4-4-3-8(b)(15), as added by this act, under interim written guidelines approved by the executive director of the department of commerce.

(b) This SECTION expires on the earlier of the following:

- (1) The date rules are adopted under IC 4-4-3-8(b)(15), as added by this act.
- (2) July 1, 2005.

2004-73-50

SECTION 50. Notwithstanding IC 24-9-3 and IC 24-9-4, both as added by this act, a person is not subject to a prohibition or requirement of IC 24-9-3 and IC 24-9-4, both as added by this act, with respect to a loan made before January 1, 2005.

2004-74-14

SECTION 14. (a) The balance remaining on June 30, 2004, in any account or fund created by or on behalf of the Indiana corn market development council (including any account or fund under the control of a nonprofit corporation or organization), is transferred to the Indiana corn market development account established by IC 15-4-10-24.5, as added by this act.

(b) This SECTION expires June 30, 2005.

2004-75-6

SECTION 6. (a) As used in this SECTION, "office" refers to the office of Medicaid policy and planning established by IC 12-8-6-1.

(b) Before January 1, 2005, the office shall review the process of returning unused medication under IC 25-26-13-25, as amended by this act, and the process of reimbursing the office for unused medication of a Medicaid recipient. The office may consider in the office's review information provided by pharmacies that provide long term care pharmacy services. Beginning December 31, 2004, the office may review the process of returning unused medication when the office determines that a review is necessary.

(c) Before October 1, 2004, the office shall provide any information gathered under subsection (b) to the health finance commission established by IC 2-5-23-3. Before November 1, 2004, the health finance commission shall review the process of returning unused medication under IC 25-26-13-25, including the reimbursement to the office for the unused medication of a Medicaid recipient.

(d) This SECTION expires December 31, 2009.

2004-75-7

SECTION 7. (a) The Indiana prescription drug advisory committee is established to:

- (1) study pharmacy benefit programs and proposals, including programs and proposals in other states;
- (2) make initial and ongoing recommendations to the governor for programs that address the pharmaceutical costs of low income senior citizens; and
- (3) review and approve changes to a prescription drug program that is established or implemented under a Medicaid waiver that uses money from the Indiana prescription drug account established by IC 4-12-8-2.

(b) The committee consists of eleven (11) members appointed by the governor and four (4) legislative members. Members serving on the committee established by P.L.291-2001, SECTION 81, before its expiration on December 31, 2001, continue to serve. The term of each member expires December 31, 2006. The members of the committee appointed by the governor are as follows:

- (1) A physician with a specialty in geriatrics.
- (2) A pharmacist.
- (3) A person with expertise in health plan administration.
- (4) A representative of an area agency on aging.
- (5) A consumer representative from a senior citizen advocacy organization.
- (6) A person with expertise in and knowledge of the federal Medicare program.
- (7) A health care economist.
- (8) A person representing a pharmaceutical research and manufacturing association.
- (9) A township trustee.
- (10) Two (2) other members as appointed by the governor.

The four (4) legislative members shall serve as nonvoting members. The speaker of the house of representatives and the president pro tempore of the senate shall each appoint two (2) legislative members, who may not be from the same political party, to serve on the committee.

(c) The governor shall designate a member to serve as chairperson. A vacancy with respect to a member shall be filled in the same manner as the original appointment. Each member is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties. The expenses of the committee shall be paid from the Indiana prescription drug account established by IC 4-12-8-2. The office of the secretary of family and social services shall provide staff for the committee. The committee is a public agency for purposes of IC 5-14-1.5 and IC 5-14-3. The committee is a governing body for purposes of IC 5-14-1.5.

(d) The committee shall make program design recommendations to the governor and the office of the secretary of family and social services to coordinate the Indiana prescription drug program administered under IC 12-10-16-3 with the federal Medicare Prescription Drug and Improvement and Modernization Act of 2003,

and to ensure that the program does not duplicate benefits provided under the federal law. In making recommendations, the committee shall consider the following:

- (1) Eligibility criteria, including any changes in income limits.
- (2) Benefit structure, including determining if the program will assume any of a program recipient's premiums or cost sharing requirements required by federal law.
- (3) Cost sharing requirements, including whether the program should include a requirement for copayments or premium payments.
- (4) Marketing and outreach strategies.
- (5) Administrative structure and delivery systems.
- (6) Evaluation.
- (7) Coordination with existing private or public pharmaceutical assistance programs available to an individual in Indiana.

(e) The recommendations shall address the following:

- (1) Cost effectiveness of program design.
- (2) Strategies to minimize crowd out of private insurance.
- (3) Reasonable balance between maximum eligibility levels and maximum benefit levels.
- (4) Feasibility of a health care subsidy program where the amount of the subsidy is based on income.
- (5) Advisability of entering into contracts with health insurance companies to administer the program.

(f) The committee shall submit its recommended changes to the governor and the office of the secretary of family and social services before:

- (1) July 1, 2004, for program changes related to the Medicare discount program; and
- (2) September 1, 2005, for program changes related to the part D Medicare drug benefit.

(g) This SECTION expires December 31, 2006.

2004-78-26

SECTION 26. (a) IC 12-29-1 and IC 12-29-2, both as amended by this act, apply to property taxes first due and payable after December 31, 2003.

(b) If the department of local government finance determines that compliance with this act would cause an unreasonable delay in the certification of budgets, tax rates, and tax levies in a county, the department of local government finance may certify budgets, tax rates, and tax levies for the county under IC 6-1.1-18-12, IC 12-29-1, and IC 12-29-2 as if this act had not been passed. However, if the department of local government finance takes this action, the affected county and the department of local government finance shall provide for an additional shortfall property tax levy and an additional budgeted amount in 2005 to replace the revenue lost in 2004 to community mental health centers as a result of certifying budgets, tax rates, and tax levies for the county under IC 6-1.1-18-12, IC 12-29-1, and IC 12-29-2 as if this act had not been passed.

(c) The amount of the shortfall levy under subsection (b) shall be

treated as an addition to the amount allowed in 2005 under IC 12-29-2, as amended by this act. The ad valorem property tax levy limits imposed by IC 12-29-2, as amended by this act, do not apply to ad valorem property taxes imposed under subsection (b). The shortfall levy imposed under this SECTION may not be considered in computing ad valorem property tax levies under IC 12-29-2, as amended by this act, for property taxes first due and payable after 2005.

2004-78-27

SECTION 27. (a) As used in this SECTION, "health facility" refers to a health facility is licensed under IC 16-28 as a comprehensive care facility.

(b) As used in this SECTION, "nursing facility" means a health facility that is certified for participation in the federal Medicaid program under Title XIX of the federal Social Security Act (42 U.S.C. 1396 et seq.).

(c) As used in this SECTION, "office" refers to the office of Medicaid policy and planning established by IC 12-8-6-1.

(d) As used in this SECTION, "total annual revenue" does not include revenue from Medicare services provided under Title XVIII of the federal Social Security Act (42 U.S.C. 1395 et seq.).

(e) Effective August 1, 2003, the office shall collect a quality assessment from each nursing facility that has:

- (1) a Medicaid utilization rate of at least twenty-five percent (25%); and
- (2) at least seven hundred thousand dollars (\$700,000) in annual Medicaid revenue, adjusted annually by the average annual percentage increase in Medicaid rates.

(f) If the United States Centers for Medicare and Medicaid Services determines not to approve payments under this SECTION using the methodology described in subsection (e), the office shall revise the state plan amendment and waiver request submitted under subsection (l) as soon as possible to demonstrate compliance with 42 CFR 433.68(e)(2)(ii). In amending the state plan amendment and waiver request under this subsection, the office shall collect a quality assessment effective August 1, 2003, from each health facility except the following:

- (1) A continuing care retirement community.
- (2) A health facility that only receives revenue from Medicare services provided under 42 USC 1395 et seq.
- (3) A health facility that has less than seven hundred fifty thousand dollars (\$750,000) in total annual revenue, adjusted annually by the average annual percentage increase in Medicaid rates.
- (4) The Indiana Veterans' Home.

Any revision to the state plan amendment or waiver request under this subsection is subject to and must comply with the provisions of this SECTION.

(g) If the United States Centers for Medicare and Medicaid Services determines not to approve payments under this SECTION using the methodology described in subsections (e) and (f), the office shall revise

the state plan amendment and waiver request submitted under subsection (l) as soon as possible to demonstrate compliance with 42 CFR 433.68(e)(2)(ii) and to collect a quality assessment from health facilities effective August 1, 2003. In amending the state plan amendment and waiver request under this subsection, the office may modify the parameters described in subsection (f)(1) through (f)(4). However, if the office determines a need to modify the parameters described in subsection (f)(1) through (f)(4), the office shall modify the parameters in order to achieve a methodology and result as similar as possible to the methodology and result described in subsection (f). Any revision of the state plan amendment and waiver request under this subsection is subject to and must comply with the provisions of this SECTION.

(h) The money collected from the quality assessment may be used only to pay the state's share of the costs for Medicaid services provided under Title XIX of the federal Social Security Act (42 U.S.C. 1396 et seq.) as follows:

- (1) Twenty percent (20%) as determined by the office.
- (2) Eighty percent (80%) to nursing facilities.

(i) The office may not begin collection of the quality assessment set under this SECTION before the office calculates and begins paying enhanced reimbursement rates set forth in this SECTION.

(j) If federal financial participation becomes unavailable to match money collected from the quality assessments for the purpose of enhancing reimbursement to nursing facilities for Medicaid services provided under Title XIX of the federal Social Security Act (42 U.S.C. 1396 et seq.), the office shall cease collection of the quality assessment under the SECTION.

(k) The office shall adopt rules under IC 4-22-2 to implement this act.

(l) Not later than July 1, 2003, the office shall do the following:

- (1) Request the United States Department of Health and Human Services under 42 CFR 433.72 to approve waivers of 42 CFR 433.68(c) and 42 CFR 433.68(d) by demonstrating compliance with 42 CFR 433.68(e)(2)(ii).
- (2) Submit any state Medicaid plan amendments to the United States Department of Health and Human Services that are necessary to implement this SECTION.

(m) After approval of the waivers and state Medicaid plan amendment applied for under subsection (l), the office shall implement this SECTION effective July 1, 2003.

(n) The select joint commission on Medicaid oversight, established by IC 2-5-26-3, shall review the implementation of this SECTION. The office may not make any change to the reimbursement for nursing facilities unless the select joint commission on Medicaid oversight recommends the reimbursement change.

(o) A nursing facility may not charge the nursing facility's residents for the amount of the quality assessment that the nursing facility pays under this SECTION.

(p) The office may withdraw a state plan amendment under subsection (e), (f), or (g) only if the office determines that failure to

withdraw the state plan amendment will result in the expenditure of state funds not funded by the quality assessment.

(q) This SECTION expires August 1, 2005.

2004-78-28

SECTION 28. (a) In addition to the duties specified under IC 2-5-26, the select joint commission on Medicaid oversight established by IC 2-5-26-3 shall, to the extent the commission determines is feasible after consultation with the office of Medicaid policy and planning established by IC 12-8-6-1, study the following effects of the repeal of continuous eligibility for children under the Indiana Medicaid program and the children's health insurance program established under IC 12-17.6-2:

- (1) Effects on government, including the following:
 - (A) Costs to Medicaid and the division of family and children established by IC 12-13-1-1 due to more frequent recertification requirements.
 - (B) Loss of revenue from federal matching funds that could not be obtained because of the repeal of continuous eligibility.
- (2) Effects on the economy, including the following:
 - (A) Indirect cost shifting to providers due to increased charity care because recipients have lapses in eligibility.
 - (B) Increased burdens on township assistance (poor relief).
- (3) Effects on children, including the following:
 - (A) Increases in the level of uninsured children in Indiana.
 - (B) Decreases in wellness and the effects on the educational abilities of sicker children.
- (4) Effects on families, including the following:
 - (A) Effects on family income due to the burden of sicker children.
 - (B) Effects on the ability of parents to maintain stable employment due to sicker children or more burdensome recertification procedures.

(b) The select joint commission on Medicaid oversight shall submit to the legislative council before November 1, 2004, a report of its findings and recommendations concerning the study under subsection (a). The report must be submitted in an electronic format under IC 5-14-6.

(c) This SECTION expires January 1, 2005.

2004-78-29

SECTION 29. (a) The state budget committee shall review the disproportionate share funding allocations for mental health institutions and community mental health centers for state fiscal year 2004-2005.

(b) As part of the budget build up process for the 2005 session of the general assembly, the state budget committee shall make recommendations to the general assembly concerning disproportionate share funding for mental health institutions and community mental health centers for the 2005-2007 biennial budget.

(c) This SECTION expires December 31, 2005.

2004-80-8

SECTION 8. IC 34-58, as added by this act, applies to a cause of action filed after June 30, 2004.

2004-81-15

SECTION 15. IC 6-3.1-13-7 and IC 6-3.1-13-21, both as amended by this act, apply to taxable years beginning after December 31, 2003.

2004-81-24

SECTION 24. IC 6-3-2-1, as amended by this act, and IC 6-3-2-1.5 and IC 6-3.1-11.6, both as added by this act, apply to taxable years beginning after December 31, 2004.

2004-81-25

SECTION 25. IC 6-2.5-4-5, as amended by this act, applies to transactions that occur after June 30, 2004.

2004-81-39

SECTION 39. (a) An advisory commission or a legislative body that designated a community revitalization enhancement district before July 1, 2004, may adopt a resolution before July 1, 2005, to amend the duration of the district under IC 36-7-13-10.5, IC 36-7-13-12, or IC 36-7-13-12.1, all as amended by this act, if no income tax incremental amounts or gross retail incremental amounts have been:

- (1) deposited in the incremental tax financing fund established for the community revitalization enhancement district; or
- (2) allocated to the district.

(b) If an advisory commission or a legislative body adopts a resolution under this SECTION to amend the duration of the district, the advisory commission or legislative body shall immediately send a certified copy of the resolution to the budget agency and the department of state revenue by certified mail.

(c) This SECTION expires January 1, 2006.

2004-81-40

SECTION 40. IC 6-3.1-19-3, as amended by this act, applies only to taxable years beginning after December 31, 2004.

2004-81-62

SECTION 62. (a) IC 6-2.5-3-5, as amended by this act, applies only to vehicles, watercraft, and aircraft that are initially titled, registered, or licensed in Indiana after June 30, 2004.

(b) IC 6-2.5-4-11, as amended by this act, applies only to transactions occurring after March 1, 2004. A retail transaction to which IC 6-2.5-4-11, as amended by this act, applies shall be considered as having occurred after March 1, 2004, if charges are collected for the retail transactions upon original statements and billings dated after March 31, 2004.

(c) IC 6-2.5-8-10, as amended by this act, and the repeal of IC 6-2.5-5-15 by this act apply only to retail transactions occurring after June 30, 2004. A retail transaction shall be considered as having

occurred after June 30, 2004, to the extent that delivery of the property or services constituting selling at retail is made after that date to the purchaser or to the place of delivery designated by the purchaser. However, a transaction shall be considered as having occurred before July 1, 2004, to the extent that the agreement of the parties to the transaction was entered into before July 1, 2004, and payment for the property or services furnished in the transaction is made before July 1, 2004, notwithstanding the delivery of the property or services after June 30, 2004.

(d) IC 6-2.5-6-9, as amended by this act, applies only to deductions assigned after June 30, 2004.

(e) IC 6-3-1-3.5, IC 6-3-2-2.5, and IC 6-3-2-2.6, all as amended by this act, apply only to taxable years beginning after December 31, 2003.

(f) The following provisions apply to deductions for net operating losses that are claimed after December 31, 2003:

(1) Deductions for net operating losses that are incurred in taxable years beginning after December 31, 2003, and are carried back or carried forward and deducted in taxable years ending before January 1, 2004, must be calculated under IC 6-3-2-2.5 and IC 6-3-2-2.6, both as amended by this act.

(2) Deductions for net operating losses that were incurred in taxable years ending before January 1, 2004, and that are carried forward and deducted in taxable years ending after December 31, 2003, must be calculated under IC 6-3-2-2.5 and IC 6-3-2-2.6, both as amended by this act.

(3) Deductions for net operating losses that were incurred in taxable years ending before January 1, 2004, and are carried back or carried forward and deducted in taxable years ending before January 1, 2004, must be calculated under the versions of IC 6-3-2-2.5 and IC 6-3-2-2.6 that were in effect in the year the net operating loss was incurred.

(4) Any net operating loss carried forward and deducted in a taxable year beginning after December 31, 2003, shall be reduced by the amount of the net operating loss previously deducted in an earlier taxable year.

(g) IC 6-4.1-1-3, as amended by this act, applies only to an adopting parent who dies after June 30, 2004.

2004-81-63

SECTION 63. (a) An individual who:

(1) was employed by Muscatatuck State Developmental Center on November 1, 2002;

(2) retired under the state's retirement incentive program that was effective beginning November 1, 2002, and ending June 14, 2003;

(3) would meet the years of service requirements specified in IC 5-10-8-8(b)(3) and the years of participation requirement specified in IC 5-10-8-8(b)(4) if:

(A) one (1) year of additional service credit is added to the individual's total years of service for every five (5) years of creditable state service; and

(B) pro rated months of additional service credit are added to the individual's total years of service for any additional years of creditable state service;

(4) otherwise meets the requirements of IC 5-10-8-8(b); and

(5) applies for participation in the group health insurance program under IC 5-10-8-8 before December 31, 2005;

is eligible for participation in the group health insurance program available to retired employees under IC 5-10-8-8.

(b) This SECTION expires December 31, 2006.

2004-81-64

SECTION 64. (a) As used in this SECTION, "committee" refers to the interim study committee on corporate taxation established under subsection (b).

(b) There is established the interim study committee on corporate taxation. The committee shall study the use of passive investment corporations by companies doing business in Indiana.

(c) The committee shall operate under the policies governing study committees adopted by the legislative council.

(d) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

(e) This SECTION expires November 1, 2004.

2004-82-4

SECTION 4. IC 9-30-5-5, as amended by this act, applies only to offenses committed after June 30, 2004.

2004-83-2

SECTION 2. (a) This SECTION applies only to the board of an airport authority established for a county having a consolidated city.

(b) Before January 1, 2005, the mayor of the consolidated city shall appoint one (1) additional member of the board as required by IC 8-22-3-4.1(b)(1), as amended by this act.

(c) An individual appointed under subsection (b) takes office January 1, 2005.

(d) This SECTION expires January 1, 2006.

2004-83-3

SECTION 3. The general assembly finds that development of the certified air carrier airport, owned and operated by the Indianapolis Airport Authority, may impact persons residing outside of Marion County, but within close proximity to the airport. In order to address the concerns of these persons, the general assembly finds that it is appropriate to appoint to the board of the Indianapolis Airport Authority (described in IC 8-22-3-4.1, as amended by this act) a member from a county, described in IC 8-22-3-4.1(e), as amended by this act, that is located in close proximity to a certified air carrier airport described in this SECTION.

2004-83-4

SECTION 4. (a) This SECTION applies only to the board of an airport authority established for a county having a consolidated city.

(b) Before January 1, 2005, the county executive of each county described in IC 8-22-3-4.1(e), as added by this act, may appoint an advisory member of the board as provided by IC 8-22-3-4.1(e), as added by this act.

(c) An individual appointed under subsection (b) takes office January 1, 2005.

(d) This SECTION expires January 1, 2006.

2004-84-9

SECTION 9. (a) The definitions in IC 4-13-16.5, as amended by this act, apply throughout this SECTION.

(b) As used in this SECTION, "reporting period" refers to the period:

- (1) beginning January 1, 1999; and
- (2) ending December 31, 2003.

(c) As used in this SECTION, "small business enterprise" has the meaning set forth in 25 IAC 1.5-1-9.

(d) As used in this SECTION, "special business enterprise" refers to any of the following:

- (1) A minority business enterprise.
- (2) A small business enterprise.
- (3) A women's business enterprise.

(e) Each state agency, separate body corporate and politic, and state educational institution shall analyze the use of special business enterprises in the agency's, body's, or institution's purchasing, construction, and contracting practices.

(f) The analysis required by subsection (e) must include the following information, specified for each special business enterprise type described in subsection (d), for each calendar year in the reporting period, and for a state educational institution, for each campus of the state educational institution:

- (1) Number of contracts awarded.
- (2) Total dollar amount of contracts awarded.
- (3) A classification of different contract types awarded by the agency, body, or institution and the number of contracts awarded in each classification.
- (4) A description of efforts made by the agency, body, or institution to encourage each business enterprise type to do business with the agency, body, or institution during the reporting period.

(g) The analysis required by subsection (f) must include the same information required for the reporting period by subsection (f) for businesses that are not special business enterprises.

(h) Each agency, body, and institution shall file a written report in electronic format under IC 5-14-6 of the results of the analysis required by this SECTION with the legislative council not later than November 1, 2004.

(i) This SECTION expires January 1, 2006.

2004-85-13

SECTION 13. (a) As used in this SECTION, "committee" refers to the forensic diversion study committee established by subsection (c).

(b) As used in this SECTION, "forensic diversion program" means the program established under IC 11-12-3.7, as added by this act, and any similar program that treats persons charged with or convicted of offenses eligible for forensic diversion who have a mental illness or addictive disorder.

(c) There is established the forensic diversion study committee. The committee shall:

- (1) evaluate the effectiveness and appropriateness of forensic diversion programs within Indiana and in other jurisdictions; and
- (2) review the adequacy of funding provided for forensic diversion programs.

(d) The committee consists of fifteen (15) members appointed as follows:

- (1) Two (2) members of the senate, who may not be affiliated with the same political party, to be appointed by the president pro tempore of the senate.
- (2) Two (2) members of the house of representatives, who may not be affiliated with the same political party, to be appointed by the speaker of the house of representatives.
- (3) The chief justice of the supreme court or the chief justice's designee.
- (4) The commissioner of the department of correction or the commissioner's designee.
- (5) The director of the Indiana criminal justice institute or the director's designee.
- (6) The executive director of the prosecuting attorneys council of Indiana or the executive director's designee.
- (7) The executive director of the public defender of Indiana council or the executive director's designee.
- (8) The secretary of family and social services, or the secretary's designee.
- (9) One (1) person with experience in administering community corrections programs, appointed by the governor.
- (10) One (1) person with experience in administering probation programs, appointed by the governor.
- (11) One (1) person with experience in treating mental illness, appointed by the governor.
- (12) One (1) person with experience in treating addictive disorders, appointed by the governor.
- (13) Two (2) judges who exercise criminal jurisdiction, who may not be affiliated with the same political party, appointed by the governor.
- (14) One (1) law enforcement officer with experience in programs that provide alternatives to incarceration for persons with mental illness or addictive disorders, appointed by the governor.

(e) The chairman of the legislative council shall appoint a legislative member of the committee to serve as chair of the committee. Whenever there is a new chairman of the legislative council, the new chairman of the legislative council may remove the chair of the committee and

appoint another chair.

(f) If a legislative member of the committee ceases to be a member of the chamber from which the member was appointed, the member also ceases to be a member of the committee.

(g) A legislative member of the committee may be removed at any time by the authority who appointed the legislative member.

(h) If a vacancy exists on the committee, the authority who appointed the former member whose position is vacant shall appoint an individual to fill the vacancy.

(i) The committee shall submit a final report of its study to the legislative council before November 1, 2007.

(j) The Indiana criminal justice institute shall provide staff support to the committee.

(k) Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative and lay members, respectively, of interim study committees established by the legislative council.

(l) The affirmative votes of a majority of the members appointed to the committee are required for the committee to take action on any measure, including the final report.

(m) The committee:

(1) shall meet at the call of the chair; and

(2) may meet at any time before October 15, 2007.

(n) Except as otherwise specifically provided by this act, the committee shall operate under the rules of the legislative council. All funds necessary to carry out this SECTION shall be paid from appropriations to the legislative council and legislative services agency.

(o) This SECTION expires December 31, 2007.

2004-85-45

SECTION 45. (a) IC 5-2-1-9, IC 11-8-2-8, and IC 11-12-4-4, all as amended by this act, do not require a training program for interacting with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities until January 1, 2005.

(b) This SECTION expires January 1, 2005.

2004-85-46

SECTION 46. (a) IC 11-12-2-1, as amended by this act, does not apply to the issuing of community corrections grants that provide alternative sentencing projects for persons with mental illness, addictive disorders, mental retardation, and developmental disabilities by the commissioner of the department of correction until January 1, 2005.

(b) This SECTION expires January 1, 2005.

2004-85-47

SECTION 47. (a) IC 11-13-1-8, as amended by this act, does not require the judicial conference of Indiana, the division of mental health, and the division of disability, aging, and rehabilitative services to provide probation departments with training and technical assistance concerning mental illness, addictive disorders, mental retardation, and

developmental disabilities until January 1, 2005.

(b) This SECTION expires January 1, 2005.

2004-88-3

SECTION 3. IC 25-1-12, as added by this act, applies to all individuals who:

- (1) hold a license, certificate, registration, or permit under IC 15, IC 16, IC 22, or IC 25; and
- (2) have been called to full-time service in the:
 - (A) armed forces of the United States (as defined in IC 25-1-12-3, as added by this act); or
 - (B) Indiana army or air national guard;

after September 11, 2001.

2004-90-12

SECTION 12. (a) An advisory commission or a legislative body that designated a community revitalization enhancement district before July 1, 2004, may adopt a resolution before July 1, 2005, to amend the duration of the district under IC 36-7-13-10.5, IC 36-7-13-12, or IC 36-7-13-12.1, all as amended by this act, if no income tax incremental amounts or gross retail incremental amounts have been:

- (1) deposited in the incremental tax financing fund established for the community revitalization enhancement district; or
- (2) allocated to the district.

(b) If an advisory commission or a legislative body adopts a resolution under this SECTION to amend the duration of the district, the advisory commission or legislative body shall immediately send a certified copy of the resolution to the budget agency and the department of state revenue by certified mail.

(c) This SECTION expires January 1, 2006.

2004-90-13

SECTION 13. (a) A religious institution may file an application under IC 6-1.1-11 before May 11, 2004, for exemption of one (1) or more parcels of real property for property taxes first due and payable in 2001 and 2002 if:

- (1) the religious institution did not file an application under IC 6-1.1-11 for exemption of the real property with respect to property taxes first due and payable in 2001 or 2002;
- (2) the religious institution acquired the real property in 1999; and
- (3) the real property was exempt from property taxes for property taxes first due and payable in 2000.

(b) If a religious institution files an exemption application under subsection (a):

- (1) the exemption application is subject to review and action by:
 - (A) the county property tax assessment board of appeals; and
 - (B) the department of local government finance; and
- (2) the exemption determination made under subdivision (1) is subject to appeal;

in the same manner that would have applied if an application for exemption had been timely filed in 2000 and 2001.

(c) If an exemption application filed under subsection (a) is approved, the religious institution may file a claim under IC 6-1.1-26-1 with the county auditor for a refund for any payment of property taxes first due and payable in 2001 and for any payment of property taxes first due and payable in 2002, including any paid interest and penalties, with respect to the exempt property.

(d) Upon receiving a claim for a refund filed under subsection (c), the county auditor shall determine whether the claim is correct. If the county auditor determines that the claim is correct, the auditor shall, without an appropriation being required, issue a warrant to the claimant payable from the county general fund for the amount of the refund due the claimant. No interest is payable on the refund.

(e) This SECTION expires January 1, 2005.

2004-90-14

SECTION 14. (a) A religious institution may file an application under IC 6-1.1-11 before August 1, 2004, for exemption of one (1) or more parcels of real property for property taxes first due and payable in 2001, 2002, 2003, and 2004 if:

- (1) the religious institution did not file an application under IC 6-1.1-11 for exemption of the real property with respect to property taxes first due and payable in 2001, 2002, 2003, or 2004;
- (2) the religious institution acquired the real property in 2000 from another religious institution;
- (3) the real property was exempt from property taxes for property taxes first due and payable in 2000; and
- (4) the religious institution:
 - (A) acquired the real property under a contract with a religious institution;
 - (B) has occupied the real property for each of the years described in subdivision (1); and
 - (C) has used the real property for its religious purposes in each of the years described in subdivision (1).

(b) If a religious institution files an exemption application under subsection (a):

- (1) the exemption application is subject to review and action by:
 - (A) the county property tax assessment board of appeals; and
 - (B) the department of local government finance; and
- (2) the exemption determination made under subdivision (1) is subject to appeal;

in the same manner that would have applied if an application for exemption had been timely filed in 2000, 2001, 2002, and 2003.

(c) The religious institution may file a claim under IC 6-1.1-26-1 with the county auditor for a refund for any payment of property taxes first due and payable in 2001, 2002, 2003, and 2004, including any paid interest and penalties, with respect to the exempt property if:

- (1) an exemption application filed under subsection (a) is approved; and
 - (2) the religious institution has paid any property taxes in 2001, 2002, 2003, and 2004 attributable to the exempt property.
- (d) Upon receiving a claim for a refund filed under subsection (c),

the county auditor shall determine whether the claim is correct. If the county auditor determines that the claim is correct, the auditor shall, without an appropriation being required, issue a warrant to the claimant payable from the county general fund for the amount of the refund due the claimant. No interest is payable on the refund.

(e) If:

- (1) the religious institution incurred property tax liabilities in 2001, 2002, 2003, and 2004 because of the failure to properly apply for a property tax exemption for the religious institution's real property described in subsection (a); and
- (2) an exemption application filed under subsection (a) is approved;

the county treasurer of the county in which the real property is located shall forgive the property taxes, penalties, and interest charged to the religious institution for the exempt property in 2001, 2002, 2003, and 2004.

(f) This SECTION expires January 1, 2005.

2004-90-15

SECTION 15. (a) The definitions in IC 6-1.1-1 apply throughout this SECTION.

(b) As used in this SECTION, "taxpayer" means a nonprofit corporation that is an owner of land and improvements:

- (1) that were owned, occupied, and used by the taxpayer to provide youths with the opportunity to play supervised and organized baseball or softball, or both, against other youths during the period preceding the assessment date in 2002 and continuing through the date that this SECTION is effective;
- (2) for which a property tax liability was imposed for property taxes first due and payable in 2001, 2002, and 2003 that exceeded eighteen thousand dollars (\$18,000), in the aggregate, and was paid in 2003;
- (3) that would have qualified for an exemption under IC 6-1.1-10 from property taxes first due and payable in 2003 if the owner had complied with the filing requirements for the exemption in a timely manner; and
- (4) that have been granted an exemption under IC 6-1.1-10 from property taxes first due and payable in 2004.

(c) The land and improvements described in subsection (b) are exempt under IC 6-1.1-10-16 from property taxes first due and payable in 2003, notwithstanding that the taxpayer failed to make a timely application for the exemption on or before May 15, 2002.

(d) The taxpayer may file claims with the county auditor for a refund for the amounts paid toward property taxes on the land and improvements described in subsection (b) that were billed to the taxpayer for property taxes first due and payable in 2001, 2002, and 2003. The claim must be filed as set forth in IC 6-1.1-26-1(1) through IC 6-1.1-26-1(3). The claims must present sufficient facts for the county auditor to determine whether the claimant is a person that meets the qualifications described in subsection (b) and the amount that should be refunded to the taxpayer.

(e) Upon receiving a claim filed under this SECTION, the county auditor shall determine whether the claim is correct. If the county auditor determines that the claim is correct, the county auditor shall submit the claim under IC 6-1.1-26-3 to the county board of commissioners for review. The only grounds for disallowing the claim under IC 6-1.1-26-4 are that the claimant is not a person that meets the qualifications described in subsection (b) or that the amount claimed is not the amount due to the taxpayer. If the claim is allowed, the county auditor shall, without an appropriation being required, issue a warrant to the claimant payable from the county general fund for the amount due the claimant under this SECTION. The amount of the refund must equal the amount of the claim allowed. Notwithstanding IC 6-1.1-26-5, no interest is payable on the refund.

(f) This SECTION expires December 31, 2006.

2004-90-16

SECTION 16. (a) This SECTION applies notwithstanding the following:

- IC 6-1.1-3-7.5
- IC 6-1.1-10-10
- IC 6-1.1-10-13
- IC 6-1.1-10-31.1
- IC 6-1.1-11
- IC 6-1.1-12.1-5.4
- 50 IAC 4.2-11
- 50 IAC 4.2-12-1
- 50 IAC 10-3
- 50 IAC 16.

(b) As used in this SECTION, "taxpayer" means a taxpayer in a county containing a consolidated city that filed:

- (1) an original personal property tax return under IC 6-1.1-3 for the March 1, 2001, assessment date using a consolidated return, Form 103-C; and
- (2) before March 1, 2003, a Form 133 petition for correction of an error with respect to the assessed value of the taxpayer's personal property on the March 1, 2001, assessment date.

(c) Before January 1, 2005, a taxpayer may file an amended personal property tax return for the March 1, 2001, assessment date.

(d) A taxpayer that files an amended personal property tax return under subsection (c) is entitled to the following exemptions for the March 1, 2001, assessment date:

- (1) An exemption for an industrial waste control facility under IC 6-1.1-10-9.
- (2) An exemption for an air pollution control system under IC 6-1.1-10-12.
- (3) An exemption for tangible personal property under IC 6-1.1-10-29, as in effect on March 1, 2001.
- (4) An exemption for tangible personal property under IC 6-1.1-10-29.3.
- (5) An exemption for tangible personal property under IC 6-1.1-10-30.

(e) The amount of an exemption described in subsection (d)(1) or (d)(2) is based on the total cost of the industrial waste control facility or air pollution control system reported by the taxpayer on a Form 103-P that must be filed with the amended personal property tax return filed under subsection (c).

(f) The total amount of the exemptions described in subsection (d)(3) through (d)(5) is:

(1) the total cost of the taxpayer's finished goods reported on Schedule B, line 3, of the taxpayer's amended personal property tax return filed under subsection (c); multiplied by

(2) the ratio reported by the taxpayer on the Form 103-W filed with the taxpayer's amended personal property tax return.

(g) Before January 1, 2005, a taxpayer may file with the county auditor an application for a deduction from assessed valuation for new manufacturing equipment in an economic revitalization area for the March 1, 2001, assessment date. The taxpayer shall include all necessary attachments to the deduction application.

(h) If a taxpayer files an amended personal property tax return under subsection (c) and a deduction application described in subsection (g), the taxpayer is entitled to a credit in the amount of the taxes paid by the taxpayer on the remainder of:

(1) the assessed value reported on the taxpayer's original personal property tax return for the March 1, 2001, assessment date; minus

(2) the assessed value reported on the taxpayer's amended personal property tax return for the March 1, 2001, assessment date filed under subsection (c).

For purposes of calculating the credit allowed under this subsection, the assessed value reported on the taxpayer's amended personal property tax return filed under subsection (c) shall be reduced by the amount of the deduction claimed on the deduction application filed under subsection (g).

(i) The county auditor shall reduce the amount of the credit to which a taxpayer is entitled under subsection (h) by the amount of any property tax refunds paid:

(1) to the taxpayer for personal property taxes based on the March 1, 2001, assessment date; and

(2) before the date the taxpayer files an amended personal property tax return under subsection (c).

(j) Notwithstanding IC 6-1.1-26, the county auditor shall apply the full amount of the credit allowed under subsection (h) against the taxpayer's property tax liability for property taxes first due and payable in 2004. If the full amount of the credit allowed under subsection (h) exceeds the taxpayer's property tax liability for property taxes first due and payable in 2004, the county auditor shall apply the amount of the excess credit against the taxpayer's property tax liability in each succeeding year until the credit is exhausted. However, the county auditor may refund the remaining credit amount at any time before the credit is exhausted.

(k) A taxpayer is not required to file a separate application for the credit allowed under subsection (h).

(l) This SECTION expires January 1, 2007.

2004-90-17

SECTION 17. IC 6-3.1-19-3, as amended by this act, applies only to taxable years beginning after December 31, 2004.

2004-91-4

SECTION 4. (a) The center for agricultural science and heritage established by IC 15-1.5-10.5-3, a body corporate and politic under IC 15-1.5-10.5-3, as amended by this act, is a continuation of the center for agricultural science and heritage as it existed before July 1, 2004.

(b) The assets, appropriations, fund balances, and liabilities of the center for agricultural science and heritage are not affected by the conversion of the center for agricultural science and heritage to an independent body corporate and politic under IC 15-1.5-10.5-3, as amended by this act.

(c) The individuals serving as members of the board of trustees of the center for agricultural science and heritage on June 30, 2004, remain members of the board of trustees notwithstanding the amendment of IC 15-1.5-10.5-3 by this act.

(d) This SECTION expires July 1, 2005.

2004-92-2

SECTION 2. IC 8-23-10-4, as amended by this act, applies only to subcontracts entered into after June 30, 2004.

2004-93-10

SECTION 10. (a) The definitions set forth in IC 4-13-17, as added by this act, apply throughout this SECTION.

(b) Notwithstanding IC 4-13-17, as added by this act, the Indiana department of administration shall:

(1) carry out the duties imposed upon it under IC 4-13-17, as added by this act, under interim written guidelines approved by the department; and

(2) provide access to Internet purchasing sites for the purposes of IC 4-13-17, as added by this act, before January 1, 2005.

(c) This SECTION expires January 1, 2005.

2004-94-1

SECTION 1. (a) The pension management oversight commission established by IC 2-5-12-1 shall examine and make recommendations regarding the feasibility of authorizing members of the retirement funds administered by the board of trustees of the public employees' retirement fund to withdraw, before retirement, a member's contributions when the member demonstrates an immediate and great financial need.

(b) The commission shall operate under the direction of the legislative council and issue a final report when directed to do so by the council.

(c) This SECTION expires December 31, 2005.

2004-95-17

SECTION 17. (a) The definitions in IC 2-5-1.5, as added by this act,

apply throughout this SECTION.

(b) The appointing authorities of the commission members shall appoint the commission members, subject to IC 2-5-1.5, as added by this act, before July 1, 2004.

(c) The chairman of the legislative council shall appoint the commission chair, subject to IC 2-5-1.5, as added by this act, before July 1, 2004.

(d) Notwithstanding IC 2-5-1.5-18, as added by this act, the commission shall meet at least one (1) time not later than August 1, 2004, to carry out the functions listed in IC 2-5-1.5-18, as added by this act.

(e) Not later than September 1, 2004, the commission shall make written recommendations to the:

(1) legislative council; and

(2) budget committee;

concerning suitable salaries for public officers. The recommendations to the legislative council must be in an electronic format under IC 5-14-6.

(f) For purposes of this SECTION, the health care adjustment provided by SECTION 19 of this act is not considered part of the salary of a public officer.

(g) Except as provided in this SECTION, IC 2-5-1.5, as added by this act applies to the commission's proceedings under this SECTION.

(h) The SECTION expires July 1, 2005.

2004-95-18

SECTION 18. IC 5-10.2-4-3, as amended by this act, applies only to members of the Indiana state teachers' retirement fund who retire after May 31, 2004.

2004-95-19

SECTION 19. (a) Employees of the judicial branch (as defined in IC 33-38-5-8.2, as added by this act) are entitled to a health care adjustment equal to the adjustment provided by the governor for state employees with respect to calendar years 2003 and 2004.

(b) Payment of the:

(1) one thousand ninety-two dollar (\$1,092) health care adjustment with respect to 2003 shall be included as a lump sum in the first pay period beginning after April 1, 2004; and

(2) eight hundred eighty-four (\$884) health care adjustment with respect to 2004 shall be prorated over the pay periods remaining in 2004 after April 1, 2004.

(c) Funds for compliance with this SECTION are appropriated to the supreme court from the judicial branch insurance adjustment account established by IC 33-38-5-8.2, as added by this act, for the biennium ending June 30, 2005.

(d) If the funds appropriated for compliance with this SECTION are insufficient, there is appropriated to the supreme court from the personal services/fringe benefits contingency fund for the biennium ending June 30, 2005, sufficient funds to carry out the purpose of this SECTION notwithstanding the appropriation made to the state budget

agency for the personal services/fringe benefits contingency fund in P.L.224-2003, SECTION 3.

(e) This SECTION expires July 1, 2005.

2004-95-20

SECTION 20. Notwithstanding IC 1-1-1-8, the provisions of this act are not severable.

2004-96-12

SECTION 12. (a) After June 30, 2004, any reference in any law, rule, or other document to the enterprise development fund shall be treated as a reference to the microenterprise partnership program fund.

(b) After June 30, 2004, any reference in any law, rule, or other document to the Indiana small business development corporation as it relates to the programs established under IC 4-3-13 and IC 4-3-16, as effective before July 1, 2004, shall be treated as a reference to the Indiana economic development council.

(c) Effective July 1, 2004, any property or liabilities accruing to the Indiana small business development corporation in connection with the administration of IC 4-3-13 and IC 4-3-16, as effective before July 1, 2004, are transferred to the Indiana economic development council.

(d) This SECTION expires July 1, 2005.

2004-96-27

SECTION 27. (a) Notwithstanding IC 4-12-10, for the period beginning July 1, 2004, and ending June 30, 2005, grants of two hundred thousand dollars (\$200,000) shall be made from money in the state technology advancement and retention account established in IC 4-12-12-1 that is dedicated to the Indiana economic development partnership fund to the:

- (1) East Central Indiana technology transfer program administered by Ball State University; and
- (2) Southwestern Indiana technology transfer program administered by the University of Southern Indiana;

for their use in establishing and operating technology talent programs.

(b) This SECTION expires December 31, 2005.

2004-96-28

SECTION 28. (a) As used in this SECTION, "department" refers to the department of workforce development.

(b) Notwithstanding IC 22-4.1-7-7, as added by this act, the department, in consultation with the department of education, shall adopt rules to implement IC 22-4.1-7, as added by this act, in the same manner as emergency rules are adopted under IC 4-22-2-37.1. Any rules adopted under this SECTION must be adopted not later than September 1, 2004. A rule adopted under this SECTION expires on the earlier of:

- (1) the date a rule is adopted by the department, in consultation with the department of education, under IC 4-22-2-24 through IC 4-22-2-36 to implement IC 22-4.1-7, as added by this act; or
- (2) January 1, 2006.

(c) This SECTION expires December 31, 2007.

2004-97-134

SECTION 134. The amendment of IC 35-41-4-2(f) by this act does not apply to offenses committed under IC 35-42-4-3(c) and IC 35-42-4-3(d) as those provisions existed before the amendment of IC 35-42-4-3 by P.L.79-1994, SECTION 12.

2004-97-135

SECTION 135. (a) As used in this SECTION, "commission" refers to the fire prevention and building safety commission.

(b) The commission shall consider the following criteria in adopting standards under IC 22-13-4-7, as added by this act:

(1) Standards for an entrance to the dwelling unit that has the following features:

(A) The entrance is designed to:

- (i) provide access to; and
- (ii) be usable by;

people with physical disabilities.

(B) The entrance is designed:

- (i) without any steps; or
- (ii) with a rise that is not more than one-half (1/2) inch.

(C) The entrance is located on a continuous unobstructed path from the entrance of the building that contains or consists of the dwelling unit to the street. The commission shall consider standards that make the path:

- (i) usable by a person who uses a wheelchair; and
- (ii) safe for and usable by people with other physical disabilities and people without physical disabilities.

The commission's standards may include curb ramps, parking access aisles, walks, ramps, or lifts.

(2) Standards for doors within the dwelling that are designed to allow passage for a person described in subdivision (1)(C)(i) or (1)(C)(ii). The commission shall consider standards that require a door to have an unobstructed opening of at least thirty-six (36) inches.

(3) Standards for the location of environmental controls including the following:

(A) Except as provided in clause (B), environmental controls that are located:

- (i) not higher than forty-eight (48) inches; and
- (ii) not lower than eighteen (18) inches;

on a wall.

(B) If environmental controls are located directly above a counter, a sink, or an appliance, the controls shall be located not higher than three (3) inches above the counter, sink, or appliance.

(4) Standards for indoor rooms that:

- (A) have an area of not less than seventy (70) square feet; and
- (B) contain no side or dimension narrower than seven (7) feet.

(5) Standards for a bathroom located on the first floor of the

dwelling that contains at least a toilet, a sink, and walls that may be reinforced later to allow for the installation of grab bars.

(6) Standards for interior hallways that are level and at least thirty-six (36) inches wide.

(c) The commission shall adopt rules under IC 4-22-2 as required under IC 22-13-4-7, as added by this act, not later than January 1, 2005.

(d) This SECTION expires January 1, 2006.

2004-97-136

SECTION 136. (a) This SECTION applies to a taxpayer that:

(1) was subject to the gross income tax under IC 6-2.1 before January 1, 2003;

(2) has a taxable year that begins before January 1, 2003, and ends after December 31, 2002; and

(3) is not subject to the adjusted gross income tax under IC 6-3 in the taxpayer's taxable year.

(b) A taxpayer shall file the taxpayer's estimated gross income tax return and pay the taxpayer's estimated gross income tax liability to the department of state revenue as provided in IC 6-2.1-5-1.1 (before its repeal).

(c) Except as otherwise provided in 45 IAC 1.1-5-3, the final gross income tax return of a taxpayer is due on the fifteenth day of the fourth month following the end of the taxpayer's regular taxable year determined as if IC 6-2.1 had not been repealed by P.L.192-2002(ss). The taxpayer shall file the final gross income tax return on a form and in the manner prescribed by the department of state revenue. At the time of filing the final gross income tax return, a taxpayer shall pay to the department of state revenue an amount equal to the remainder of:

(1) the total gross income tax liability incurred by the taxpayer for the part of the taxpayer's taxable year that occurred in calendar year 2002; minus

(2) the sum of:

(A) the total amount of gross income taxes that was previously paid by the taxpayer to the department of state revenue for any quarter of that same part of the taxpayer's taxable year; plus

(B) any gross income taxes that were withheld from the taxpayer for that same part of the taxpayer's taxable year under IC 6-2.1-6.

(d) The department of state revenue may prescribe forms and procedures for reconciling the returns and tax due under P.L.192-2002(ss), SECTION 199 before the enactment of this amendment and the returns and tax due under P.L.192-2002(ss), SECTION 199, as amended by this SECTION. The procedures may include procedures for granting an automatic extension for the filing of some or all returns due before April 16, 2003, under P.L.192-2002(ss), SECTION 199 before the enactment of this amendment.

2004-97-137

SECTION 137. (a) The duties conferred on the department of commerce relating to energy policy are transferred to the office of energy policy on July 1, 2005.

(b) The rules adopted by the department of commerce concerning energy policy before July 1, 2005, are considered, after June 30, 2005, rules of the office of energy policy until the office of energy policy adopts replacement rules.

(c) On July 1, 2005, the office of energy policy becomes the owner of all property relating to energy policy of the department of commerce.

(d) Any appropriations to the department of commerce relating to energy policy and any funds relating to energy policy under the control or supervision of the department of commerce on June 30, 2005, are transferred to the control or supervision of the office of energy policy on July 1, 2005.

(e) The legislative services agency shall prepare legislation for introduction in the 2004 regular session of the general assembly to organize and correct statutes affected by the transfer of responsibilities to the office of energy policy by this act.

(f) This SECTION expires January 1, 2006.

2004-97-138

SECTION 138. (a) IC 6-1.1-10-16 (subject to SECTION 14 of this act), IC 6-1.1-10-21, and IC 14-33-7-4, all as amended by this act, apply only to property taxes first due and payable after December 31, 2002.

2004-97-139

SECTION 139. (a) This SECTION applies to certified applications for an enterprise zone inventory credit under IC 6-1.1-20.8 that were filed for property taxes due and payable in 2002.

(b) Notwithstanding any other law, the county auditor may determine that a person who filed a certified application not later than thirty (30) days after the time established in IC 6-1.1-20.8-2.5 is eligible to receive the credit. In order to approve the application, the county auditor shall make the findings set forth in subsection (d).

(c) To apply for a determination of eligibility under this SECTION, a person must file with the auditor of the county in which the person's facility is located, by not later than July 1, 2003, an application for an enterprise zone inventory credit for its inventory as of March 1, 2001, on a form EZ-1 prescribed by the department of local government finance.

(d) If an application for an enterprise zone inventory credit is filed by a person under subsection (c), the county auditor shall, within thirty (30) days after the filing, determine whether the application should be approved. The county auditor shall make the following findings:

(1) The person applied for the credit not later than thirty (30) days after the time established in IC 6-1.1-20.8-2.5 and the application was denied as being not timely filed.

(2) The application would have been approved if it had been timely filed.

(3) Local officials support the approval of the application.

(4) Approval of the application will result in a significant assistance payment to the applicable local zone urban enterprise association.

(5) The approval of the application will promote economic development activities in the enterprise zone.

(e) If the auditor approves the application, the auditor shall determine the amount of the credit by calculating the person's property tax liability on inventory located within an enterprise zone as of March 1, 2001, payable in 2002.

(f) Without any appropriation being required, the county auditor shall issue warrants payable from the county general fund to a person eligible for credit under subsection (e) in the following amounts and on the following dates:

(1) On July 15, 2004, for an amount equal to one-half (1/2) of the liability calculated under subsection (e)(1).

(2) On January 15, 2005, for an amount equal to one-half (1/2) of the liability calculated under subsection (e)(1).

(g) In addition to issuing a warrant, the county auditor may choose to grant the person a credit against the person's property tax liability payable in 2004 and 2005 for all or a portion of the amount of the credit determined in subsection (e).

(h) Within thirty (30) days after receiving either the credit against property tax liability under subsection (g) or each of the warrants issued under subsection (f), the person shall pay an amount equal to the pro rata amount of any additional registration fee under IC 4-4-6.1-2(a)(4) and the pro rata amount of any assistance payment under IC 4-4-6.1-2(b).

(i) This SECTION expires December 31, 2005.

2004-97-140

SECTION 140. (a) An advance to a charter school from the department of education that is financed by a transfer by the state board of finance from the abandoned property fund established by IC 32-34-1-33 is forgiven.

(b) This SECTION expires June 30, 2005.

2004-97-141

SECTION 141. (a) Except as provided in subsection (b), the administrative fees deposited into:

(1) the county supplemental juvenile probation services fund under IC 31-40-2-1;

(2) the county supplemental adult probation services fund under IC 35-38-2-1(f); and

(3) the local supplemental adult probation services fund under IC 35-38-2-1(g);

as amended by this act shall be used to pay for salary increases required under the salary schedule adopted under IC 36-2-16.5 and IC 11-13-8 that became effective January 1, 2004.

(b) Administrative fees collected that exceed the amount required to pay for salary increases required under the salary schedule adopted under IC 36-2-16.5 and IC 11-13-1-8 may be used in any manner permitted under IC 31-40-2-2, IC 35-38-2-1(f), or IC 35-38-2-1(i).